

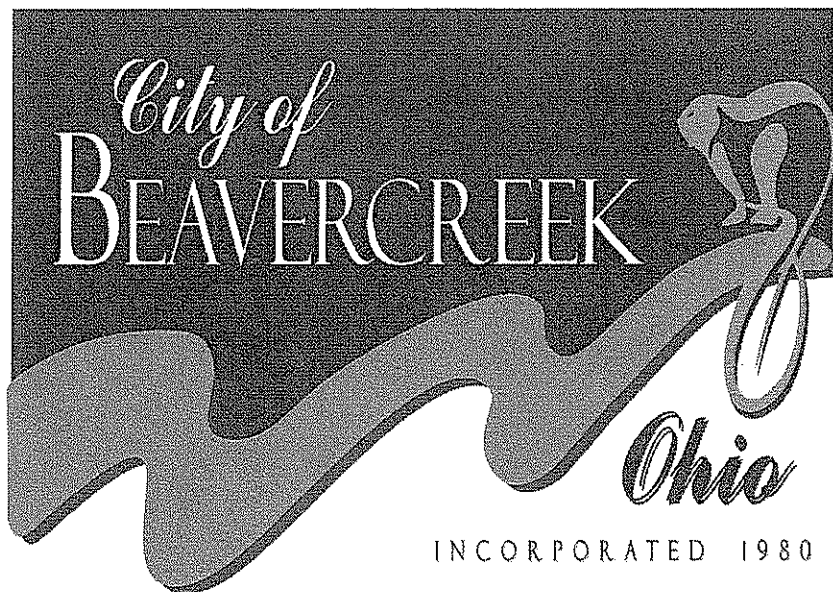
City of Beavercreek

# Employee Manual

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January 2010

TO: ALL EMPLOYEES

You are a member of a team of City employees who are committed to improving the quality of life for our citizens through public service. As a City employee you have the opportunity to make a difference every day by providing efficient, effective and quality services and ensuring excellence at all levels.

In order to have a successful work environment, it is essential for you to have a clear understanding of the rights, responsibilities, policies and benefits that govern the workplace. The City of Beavercreek's Employee Manual provides you with the framework for success. It is important for you to be familiar with the information in this Manual, so please review it carefully.

This Manual is not intended to address every detail about employment with the City of Beavercreek. However, it does provide a comprehensive overview and serves as a useful guide. If you desire clarification of certain matters not covered fully in this Manual, please feel free to consult with your supervisor, Human Resources Department or contact me personally.

The City of Beavercreek is faced with many complexities as we move into the future with a changing environment and economy. The Beavercreek City Council and I appreciate and support the efforts of all City employees. It is because of your commitment, professionalism and hard work that we will be able to meet these challenges.

My very best wishes,

Michael A. Cornell  
Beavercreek City Manager



The City Manager is the Chief Administrative and Executive Officer of the City. The City Manager is responsible to the Council for the administration of all City affairs placed in his or her charge by or under the City Charter.

The City Manager is charged with the responsibility for the administration of these policies, rules, and regulations. (City Charter, Section 6.02) The City Manager may delegate specific responsibilities for administration of the personnel policies and regulations to the Human Resources Manager, Department Directors, and/or Division Supervisors.

The City Manager is authorized to adopt and enforce employment policies, rules and regulations necessary to carry out the intent of this manual.

Except for the purpose of inquiries and investigations under Section 4.05(C) of the Beavercreek City Charter, the City Council or its members deal with City employees who are subject to direction and supervision of the City Manager solely through the City Manager, and neither the Council or its members give orders to any such employee, either publicly or privately; however, the City Council may request, through the City Manager, employees to provide information pertaining to the conduct of City affairs and to attend the meetings of the Council or its' committees to present testimony or other evidence.

**DISCLAIMER****Section 1.02**

The policies set forth and adopted within this manual supersede all previous written and unwritten City personnel policies. These policies are intended to comply with applicable laws. In the event there is a conflict between the matters expressed in this manual and any applicable laws or collective bargaining agreements, the applicable law or full text of the collective bargaining agreement will prevail.

The policies and procedures set forth within this manual do not constitute a contract of employment and may be changed at the sole discretion of the City. City Council or the City Manager must formally approve all individual contracts with the City. Just as the employees have the right to leave the City's employ at any time and for any reason, so too, the City reserves the right to alter the terms of employment and to terminate any employee at any time and for any reason subject to any applicable Personnel Board Rules.

Employees having questions regarding the interpretation and application of these policies may direct their inquiries to Human Resources or your immediate supervisor.

## **SEVERABILITY**

### **Section 1.03**

If any article or section of this manual, or any amendments thereto, are held invalid by operation of law or by a tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section of this manual is restrained by such tribunal, the remainder of this manual and any amendments thereto shall not be affected and shall remain in full force and effect.

## **SCOPE OF COVERAGE**

### **Section 1.04**

The policies, rules and procedures contained in this manual apply to all classified and unclassified employees except as noted herein or specifically exempted by law. In addition, these policies shall be superseded whenever they conflict with the terms, conditions, contracts, or practices of employment set by the City Council for their direct employees as shall the City Manager when hiring is/her direct employees.

These rules do not apply to persons who are employed on a retainer basis, or to independent contractors.

All City employees, in addition to the policies/rules contained herein, shall be subject to those rules and regulations promulgated by their Department Director and approved by the City Manager. Any additional rules and regulations, if necessary for the safe and efficient execution of job requirements, will be posted or otherwise made available to all affected employees.

## **POLICIES**

### **Section 1.05**

Policies are defined as the basic rules, which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies are essential to all City employees. Furthermore, it is important that these policies be administered in a systematic, consistent and impartial manner.

Undoubtedly, there will be situations that require administrative interpretations of the policies set forth herein. Efforts should be made to ensure that such decisions are made objectively, with the general intent of the policy in mind.

As conditions shift within the City's organization, it may be necessary to add, delete or revise specific policies affected by such change. Such revisions, amendments, or deletions will be published in a conspicuous place and employees will be given copies of all revised policies, on or prior to their being effective. Revisions will be effective upon the date specified by the City Manager.

Some policies/rules may reference or leave matters to more specific plans or documents (such as a health care plan, etc.), in which case the more specific plans or documents will control.



Each Department Director may establish rules and regulations, consistent with this manual and with approval from the City Manager, to assist in the proper and efficient operation of their department. All approved and documented department rules and regulations and any amendments or revisions thereto shall be binding upon all employees within said department.

## **OBJECTIVES**

## **Section 1.06**

- A. The City of Beavercreek recognizes that a personnel system which recruits and retains competent, dependable employees is indispensable to effective city government.
- B. The policies and procedures set forth in this manual are designed to:
  - 1. Promote courteous and dependable service to the public;
  - 2. Ensure that all City operations are conducted in an ethical and legal manner so as to promote the City's reputation as an efficient, progressive public service body in the community and state.
  - 3. Promote high morale and foster good working relationships among City employees by providing uniform personnel policies, equal opportunities for advancement, and consideration for employee needs;
  - 4. Maintain recruitment and promotional practices that will enhance the attractiveness of a career with the City of Beavercreek, and encourage each of its employees to give his or her best efforts to the City and the public; and
  - 5. Provide consistent and equal opportunity for qualified persons to enter and progress in City service based on merit and fitness as determined through objective and practical personnel management methods.

## **EQUAL EMPLOYMENT OPPORTUNITY**

## **Section 2.01**

- A. The City of Beavercreek is an Equal Employment Opportunity Employer. It is the policy of the City not to unlawfully discriminate against any qualified employee, qualified applicant for employment, or eligible beneficiary of services on the basis of race, color, religion/creed, sex, age, national origin, genetic information, military/veteran's status, or physical/mental disability regarding the terms and conditions of employment of individuals, including the following:
  - 1. Recruitment
  - 2. Selection
  - 3. Placement
  - 4. Testing
  - 5. Training
  - 6. Promotions and transfers
  - 7. Layoff and recall
  - 8. Termination
  - 9. Disciplinary action
  - 10. Social and recreational programs
  - 11. Employee benefits/compensation

- B. An employee who feels he or she has been discriminated against because of race, color, religion/creed, sex, age, national origin, genetic information, military /veteran's status, or physical/mental disability may seek redress either internally, by following the procedures outlined in the Grievance Procedure section of this manual, or through the Harassment and Discrimination Policy.
- C. Where appropriate and upon request, the City will make reasonable accommodations for qualified disabled individuals as required by regulations issued under the Americans with Disabilities Act, provided they do not pose an undue hardship for the City.
- D. No reprisals, interference, coercion, or discrimination will be permitted against any employee or appointee exercising his or her right to file a discrimination complaint under this procedure.

## **EMPLOYMENT WITH THE CITY OF BEAVERCREEK**

## **Section 2.02**

- A. With the exception of Council appointees, the City Manager appoints, employs, evaluates, disciplines, lays off and removes employees within the respective offices and departments. The City Council generally establishes the compensation and conditions of employment for employees, subject to certain exceptions established or delegated to other authorities by law or City Charter.
- B. Employment by the City of Beavercreek is employment in a public agency, subject to the laws of the State of Ohio, the City Charter, policies established by the City and Federal law. Employees recognize and agree to abide by said laws, Charter, and policies as conditions of employment.
- C. Employees may also be required to acknowledge the receipt of various policies included in this manual.
- D. Employees are required to perform assigned duties in a responsible manner during the working hours designated by the City.

## **CLASSIFIED AND UNCLASSIFIED SERVICE**

## **Section 2.03**

The positions in the City of Beavercreek shall be separated as required by the Code of Ordinances into the unclassified service and classified service.

- A. The unclassified service shall consist of the following positions:
  - 1. Mayor and City Council Members
  - 2. Members of all Boards and Commissions
  - 3. City Manager
  - 4. Clerk of Council

5. Those Department Directors and other positions which serve at will subject to appointment and removal by the City Manager, and include Chief of Police, Director of Public Works, Financial Administrative Services Director, Director of Planning and Zoning, Director of Parks, Recreation and Culture, General Manager of the Golf Course and the City Attorney.
6. Those professional and administrative positions which serve at will subject to appointment and removal by the City Manager, and include: Assistant City Manager, Assistant City Engineer, Superintendent of Public Services, Human Resources Manager, Police Captains, Planner, Associate Planner, Fiscal Officer, Recreation Program Supervisor, Secretary to the City Manager, Secretary to the Police Chief, Foreman in the Public Services Department, and the Technical Services Supervisor in the Police Department.

Nothing in this manual shall be interpreted to revoke or modify the employment at-will status of unclassified employees.

Exempt employees are expected to work on a full time basis and to be available during normal business hours.

- B. The classified service consists of all full time positions not previously mentioned.

## **EMPLOYEE STATUS**

## **Section 2.04**

- A. All non-exempt employees of the City shall be classified as regular full-time, regular part-time, temporary, seasonal, intermittent, or intern.
  1. Regular, full-time classified employee: an employee who is scheduled to work at least 40 hours per workweek on a regularly scheduled basis.
  2. Regular part-time employee: an employee who is scheduled 40 hours per workweek on a regularly scheduled basis.
  3. Temporary employee: an employee hired to work on a full-time or part-time basis, for a limited period of time for a period not to exceed six months. The maximum term may be extended up to an additional six months upon approval by the City Manager.
  4. Seasonal employee: an employee hired to work on a full-time or part-time basis, for a specified amount of time that would encompass the seasonal time period for the job being performed.
  5. Intermittent Employee: an employee who works an irregular schedule which is determined by the fluctuating demands of the work which are not predictable. Intermittent employees normally work no more than 1040 hours per calendar year.
  6. Intern employee: an employee hired to work on a full-time or part-time basis while in college or upon graduation of college. The maximum term allowed for all newly graduated students will not exceed six (6) months in a calendar year unless extended by the City Manager.

- B. All non-union employees are eligible for those benefits as specified in this manual. Regular, non-union full-time employees are eligible for all benefits provided by the City.
- C. The City Manager, assigns each position within the City employment structure from the City Manager and below to either classified or unclassified services.
- D. The listing of all classified and unclassified positions in which all positions in the City employment structure are identified and adopted by Ordinance (Code of Ordinances – Chapter 30, entitled Governmental Organization, outlines the organization of city government into offices, departments, divisions and positions).
- E. Appointments and promotions for non-union personnel of the City are made according to merit.
- F. Applicants for City employment must complete the employment application and other applicable forms provided by the City and may also be required to submit a resume.

## **MEDICAL EXAMINATION**

## **Section 2.05**

- A. All full time applicants, when a conditional offer of employment is extended, are required to have a full physical examination (paid by the City) before they are hired, to determine whether they can perform the essential functions of the job for which they have been offered employment. Examinations will be conducted by a licensed physician selected by the City Manager or HR Manager and are at the cost of the City.
- B. A current employee may be required to submit to a medical examination during his or her period of employment with the City. Such an examination is intended to ensure that the incumbent continues to be physically and mentally able to perform the duties of his or her positions. (Examples include but not limited to mandatory drug and alcohol testing for CDL holders, drug and alcohol testing for reasonable suspicion, examination to certify continued eligibility for Family and Medical Leave, examination to assess eligibility for Worker's Compensation, etc.) In such instances, the City informs the employee in writing of the examination. The City assumes the cost of such required examination. The employee is responsible for attending the examination, and shall cooperate with the physician in order that the report of examination may be delivered to the City Manager. Employees who refuse examination or fail to cooperate may be subject to loss of benefits or disciplinary action, up to and including termination.
- C. The City may require an employee who is transferring from one department to another department to submit to a medical examination to determine whether the employee can perform the essential functions of the new position.

## **PROBATION**

## **Section 2.06**

- A. Every person entering City service will be required to successfully complete a probationary period of 180 calendar days, except those employees who serve a probationary period in accordance with their collective bargaining agreements.
- B. City employees normally are evaluated with respect to performance near the conclusion of their probationary period and once per calendar year thereafter. The evaluation is completed within thirty (30) days, and in no event later than ten (10) days, prior to completion of the probationary period. Supervisors performing the evaluation may either recommend to retain the employee, extend the probationary period (not to exceed 180 days), dismiss the employee, or other appropriate action. Supervisors recommend retention of only those employees who meet acceptable standards during the probationary period.
- C. Effective 1/1/09 all regular part time employees will be credited with previous hours worked when becoming a full time employee for vacation accruals. Their credited service time will be calculated by determining their credited hours of service as a regular part time employee (i.e. 3,120/2,080 (hours in one year) will provide a credit of 1.5 years or 18 months).

## **PROMOTION**

## **Section 2.07**

- A. Promotional opportunities are offered as far as practicable to qualified current employees. The City may limit a selection process to qualified employees or may allow such employees preference in application and/or consideration, to the extent such is permitted by law, City Charter, ordinance, policies, or rules. Interested employees should contact Human Resources for information on each posted position, and must follow the designated procedures in order to be considered for such posted position.
- B. Factors to consider for promotion include an employee's completion of the required probationary period, possession of the necessary qualifications, skills and abilities; certification, required training courses, performance evaluation ratings, and any other job-related qualifying criteria.
- C. Promotions, transfer or demotions, are treated the same as a new appointment insofar as it is necessary to pass a probationary period for such position. Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion, upon failure to satisfactorily complete the promotional probationary period, or if the formerly held position no longer is available, the City will make every effort to place the employee in a comparable position (e.g. a position which involved the same or substantially similar duties and responsibilities). In the event no comparable position exists, the employee may be terminated. However, such employee will be placed on a

recall list, and will have the first opportunity to fill any vacancies which occur in the next six (6) months for which he or she is qualified.

- D. The action of reduction for failure to satisfactorily complete a promotional probationary period shall not be considered a disciplinary action, and shall not serve to eliminate the employee for consideration for advancement to other positions.
- E. Salary adjustments shall be made according to the City salary and wage plan.
- F. In the event of a promotion, employee benefits shall be computed on the basis of total years of service with the City.

## **TRANSFERS AND LATERAL MOVES**

## **Section 2.08**

### **A. Transfers:**

1. Intra-Departmental Transfer: a transfer from one position to another bearing the same classification title within the department is considered an intra-departmental transfer.
  2. Inter-Departmental Transfer: a transfer from one position to another bearing the same classification title between one department and another department is considered an inter-departmental transfer.
  3. Lateral Move Transfer: a transfer from one position to another bearing a different classification title, but falling within the same pay grade, whether within the same department or between one department and another department.
- B. Transfers and lateral moves of employees between departments, on either a regular or temporary basis, may be made upon the recommendations of the Department Directors affected and with the approval of the City Manager.
  - C. Transferred employees shall conform to the working policies and practices of the department to which they are transferred and may be subject to a probationary period in the new position as provided herein.
  - D. Salary adjustments are made in accordance with the City salary and wage plan. In the event of a transfer, employee benefits are computed on the total years of service with the City.
  - E. Requests for transfers or lateral moves will be considered based upon the needs of the department(s), availability of positions, qualifications of the employee, recommendations of the Department Directors, and the approval of the City Manager.

## **DEMOTION**

## **Section 2.09**

- A. The Department Director/Division Head may, with the approval of the City Manager, demote an employee within the same grade or to a lower related classification or may reduce an employee's hours or wages, as a result of the employee's failure to meet the requirements of his/her class of work, at the request of the employee, or due to disciplinary reasons.
- B. Salary adjustments in cases of reductions are made in accordance with the City salary and pay plan.

## **PERFORMANCE EVALUATION**

## **Section 2.10**

- A. A written performance evaluation provides supervisors with an effective mechanism to measure and communicate levels of job performances to their employees. It provides the employee with documented, constructive feedback concerning current job performance. Documented performance evaluation serves as a basis for important management decisions regarding training needs, job assignments, promotions and retention of employees and salary increases.
- B. Each regular employee normally is evaluated at least once a year and before granting of regular status, promotion, or progression in the City's annual pay schedule. Special evaluations may be made if authorized by the City Manager.
- C. Written evaluations are completed prior to a probationary employee being placed as a regular employee. Evaluation report forms are provided by the Human Resources Manager and are to be used by all departments.
- D. Each employee should be rated by the department head/supervisor to whom he or she is regularly assigned. If an employee reports to two (2) or more supervisors within the year to be evaluated, the present supervisor should complete the rating while the previous supervisor(s) should advise the present supervisor regarding the time the employee served under them. If an employee received approximately equal supervision from two (2) persons, the supervisors should cooperate on a rating and both should sign the report as raters.
- E. Prior to any discussion with the employee, the Department Director/supervisor forwards all performance evaluation forms to the Human Resources Manager for review. Once the evaluation forms are returned to the Department Director/supervisor, the evaluation report will then be discussed with the employee. The Department Director/supervisor counsels the employee regarding any improvement in performance that appears desirable or necessary.

- F. Employees are required to sign their performance evaluations upon review. Such signature shall indicate only that the employee has reviewed the performance evaluation, and does not signify the employee's agreement with the contents of the performance evaluation.
- G. Merit increases (if applicable) are not automatic and are not guaranteed to occur annually. All employees who are due a merit increase must have a current work performance of "meets or exceeds expectations" on their evaluation. If an employee does not receive a "meets or exceeds expectations" during the evaluation, the employee will not receive a merit increase. A corrective action plan will be completed and another special follow-up review will be required in three (3) months. If the employee's performance improves to the "meets or exceeds expectations" the employee will then receive the merit increase, if applicable, effective on the new appraisal date. This will not be retroactive to the original appraisal date.

## **TEMPORARY ASSIGNMENT**

## **Section 2.11**

- A. A temporary assignment is defined as the assignment of an individual employee to a classification different from his or her own, which has substantially different duties than the employee would normally perform. A temporary assignment may be effected by the City to meet the operational needs of the various departments due to illness, emergencies, or special circumstances, and may not be effected for disciplinary purposes.
- B. An employee temporarily assigned to a position with a lower rate of pay will not be reduced in pay.
- C. When an employee is temporarily assigned to a position that exceeds two (2) weeks, the assignment is not due to scheduled vacation, and the temporary assignment is to a position with a higher rate of pay, the employee will be paid a 5% increase over their current salary for the duration of the assignment.
- D. The City Manager may modify these policies based upon operational needs. This may include creating temporary job classifications in order to ensure efficient operation of a department and determining a salary when classifications do not exist.

## **WORK SCHEDULING**

## **Section 3.01**

- A. There are many different jobs in the City requiring different hours of work. An employee's work schedule will depend upon the work unit to which he or she is assigned, shift, and his or her particular classification within the Department. The work schedule for each department is established by the Department Directors with the advice and approval of the City Manager. The daily work schedule for each Department will consider the current and anticipated workload, public



service needs and any other related factor. Daily employee attendance records will be maintained by Department Directors. Work days are normally Monday through Friday, except that Department Directors, with the concurrence of the City Manager, may adjust normal work schedules for departments as conditions dictate.

- B. Employees are granted a meal period. Lunch scheduling is subject to approval of the employee's immediate supervisor. Time for lunch will be in addition to the regularly scheduled workweek.
- C. Approved lunch periods are not considered as work time, therefore, each employee shall be completely relieved, if possible, from work duty during that time period.
- D. Lunch periods which are uninterrupted by calls to duty are excluded from compensable time. Lunch periods, which are interrupted by authorized calls to duty, are counted as compensable time, since the employee would not be considered to be relieved of all duties.
- E. Employees who are completely relieved from calls to duty during their approved lunch period are not required to request permission to leave their work premises during their scheduled lunch period. Such employees shall be responsible, however, for returning to work from lunch at the designated time. Employees returning late from lunch or leaving early may be subject to appropriate disciplinary action.
- F. The regular workweek normally consists of forty (40) hours per week, Monday through Friday. Some departments may set alternate workweeks consistent with departmental needs and with the approval of the City Manager.
- G. Reasonable break periods are allowed during each workday and are arranged as the Department Director feels is most consistent with the Department's operation. Typically break periods are to be utilized daily, and, if missed, said break periods cannot be banked, combined or otherwise substituted for regular work hours.

#### **OVERTIME, HOURS OF WORK AND PAY PERIOD**

#### **Section 3.02**

- A. The workweek for purposes of payroll and for the calculations of overtime is forty (40) hours, and extends from Sunday, 12:01 a.m. through Saturday, 12:00 midnight. There are normally twenty-six (26) pay periods per calendar year. Employees are to be paid on Friday. If a holiday occurs on a Friday on which a pay day falls, paychecks are issued either on the preceding workday or on the following Monday.
- B. Employees whose regularly scheduled workweek is less than forty (40) hours per week receive straight time pay for hours worked up to forty (40) hours per

- C. Each covered non-exempt employee, as specified by the Fair Labor Standards Act, receives overtime compensation at the rate of one and one-half (1 ½) times his or her regular rate of pay for actual hours worked in excess of forty (4) hours per week. Such overtime compensation will be paid at one and one-half (1 ½) times the employee's regular hourly rate of pay.
- D. Overtime must be authorized by the Department Director in advance of the overtime being worked. Failure to obtain authorization will result in disciplinary action being taken.
- E. When an employee incurs an overnight stay on City business, time spent traveling and time spent overnight on official City business is not considered time worked for purposes of calculating overtime, except to the extent that time intersects normal working time or to the extent the employee is doing actual work.
- F. Employees are not expected to perform assignments prior to the beginning or after the end of the regular scheduled workday unless previously approved by the employee's supervisor.
- G. Exempt employees are expected to work on a full time basis and to normally be present at their workplace or away from the workplace on work-related duties during regular business hours. The City Manager or Department Director may authorize an exempt employee to vary their work schedule as regular or intermittent work demands require.
- H. Each non-exempt employee who is governed by this overtime policy is required to execute a bi-weekly time sheet. At the end of each bi-weekly work period, such employee is required to sign his or her own time sheet indicating that the hours reflected on the time sheet are the actual hours worked by the employee. This time record must indicate the actual times that the employee started work and stopped work each day. Each employee must also indicate the time when he or she began his or her lunch period and the time when he or she returned from a lunch period. Upon completion and signature of the time sheet, each employee must submit the original to his or her department head for approval. Completed time sheets are to be submitted bi-weekly to the Finance Department for payroll purposes.

Exempt employees shall execute a bi-weekly time record indicating days worked and pay code designation for any benefit time-off with pay. The completed time record shall be submitted to the employee's Department Director or City Manager as appropriate for approval. Approved time records shall then be submitted to the Finance Department for payroll and record purposes. No compensation shall be paid for overtime hours worked as a matter of right for exempt employees regardless of hours worked.

- I. The City may utilize "time off" or flexible hours in order to avoid having employees work in excess of their regular number of hours in a workweek. Reasonable flextime scheduling for a specified period of time is approved by the Department Director and/or the City Manager. This policy is not designed to prohibit overtime; rather, its purpose is to help the City and Department Director avoid unnecessary overtime, to the extent they can do so and still provide requisite levels of service.
- J. Hired before 1/1/09:  
A non-exempt, non-union employee may accrue a maximum of 160 hours of compensatory time, except those employees working in a public safety activity who may accrue a maximum of 240 hours.  
  
Hired after 1/1/09:  
Non-exempt or non-union employees hired after January 1, 2009 are not eligible for compensatory time, but will be paid overtime in accordance with this section.
- K. The City Manager maintains the right to enact alternative work schedules to obtain organizational goals and objectives and to recruit and retain qualified candidates seeking employment with the City.

#### **TRAINING, CONFERENCES AND TRAVEL**

#### **Section 3.03**

- A. Employees may be required to attend job-related training programs, courses, seminars, etc. or employees may request job-related training, seminars, etc. If such training is authorized by the City Manager, the expenses incurred are paid by the City. The City Manager, however, need not pay for such training when it is taken voluntarily by the employee and not required or approved by the City Manager.
- B. To be eligible for payment of registration fees and class fees by the City, attendance at all such functions must be approved in advance by the City Manager. The mode and means of travel to such eligible functions will be subject to authorization in advance by the City Manager or designee.
- C. The City has established policies and procedures for travel, conference, training and mileage expenses. Please refer to the City's Travel Expense Policy for more details.

#### **PAYROLL DEDUCTIONS**

#### **Section 3.04**

- A. Certain deductions are made from an employee's pay check as required by law, in accordance with employee benefit plans, or as requested by the employee and authorized by law. These deductions are itemized on the employee's pay statement which accompanies the bi-weekly paycheck. Deductions include:

P.E.R.S./P.F.D.P.F.: State law requires that employees contribute to the Public Employees Retirement Fund (P.E.R.S.) or the Police and Fire Disability Pension Fund (PFDPF) rather than Social Security. Membership in the system is compulsory upon being employed.

Income Taxes: Federal and state laws, some city ordinances and some school districts, require that taxes be withheld from each salary and wage payment. The amount of tax to be withheld is determined from tables furnished to the payroll office by the Ohio Department of Taxation and various other entities, and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform Human Resources of any dependency change whenever such change occurs.

Medicare Health Insurance: The federal government requires a percentage of the salary and wages of employees hired on or after April 1, 1986, be withheld each pay period to pay for Medicare health insurance coverage. The City is also required to contribute a like amount.

Medical/Dental Health Insurance: The City may require a payroll deduction for the employee's share of medical/dental insurance premiums for those eligible employees and their eligible dependents electing medical/dental coverage.

Miscellaneous: Examples include garnishments, union dues, credit unions, deferred compensation, child support, other insurance contributions, etc. Any other City sponsored programs authorized by the City Manager may also be payroll deducted according to the Administrative Policies established by the City Manager.

- B. The City may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, which occur at irregular intervals, or for another similar cause; other than those deductions required by law, the City may decline to make a deduction that the employee's check is insufficient to cover.
- C. All requests for payroll deductions must be presented in writing in a form prescribed by the City and authorized by the City Manager.
- D. Effective 1/1/09, all City employees are required to receive paychecks by direct deposit unless a request for accommodation for religious beliefs or other hardship has been approved by the City Manager.

## **NOTIFICATION OF ABSENCE**

## **Section 4.01**

- A. Employees must report all absences from work that are not approved in advance to the employee's immediate supervisor or designee, no later than 30 minutes before the employee's scheduled starting time on each day of such absence, unless other arrangements are made with the employee's supervisor. Department heads may set different report-in times as operations require with the approval of the City Manager. Only notification of absences received by the Department Head, immediate supervisor, or designee will be effective. Employees must take every reasonable effort to contact the supervisor or the person designated to take notifications of absences.
- B. Under certain circumstances, the Department Head, supervisor, or designee may require an employee to provide documentation before an absence (i.e., military leave or foreseeable Family and Medical Leave) or during an absence (i.e., to certify the need for Family and Medical Leave).
- C. When an employee returns to work following an absence, such employee must immediately report to his or her immediate supervisor or designee. The employee must complete an employee absence report form, which allows the employee to further explain the reasons for his or her absence. The employee may also be required to submit additional written documents that substantiate the employee's reason for absence. The form, and other written documentation, will be reviewed by the Department head, the supervisor, or designee to determine whether the absence will be approved.
- D. Proper notification of absence and the underlying reasons is a serious matter, especially for compliance with the City's FMLA policy. Consequently, noncompliance may subject an employee to disciplinary action.
- E. Employees must always notify their immediate supervisors or designee when they leave work and when they return, as such notification avoids undocumented absences for extended periods of time.
- F. Offices or departments with 24 hour or shift operation require that absences be reported before the start of the shift or according to Department standards.

## **SICK LEAVE**

## **Section 4.02**

- A. All regular full-time non-union employees may be eligible to receive paid sick leave in the event of illness or off-the-job injury which prevents an employee from performance of their duties. Sick leave is not intended as time earned for vacation purposes.

B. Rate of Accrual prior to 1/1/09:

Each regular full-time employee accrues sick leave at the rate of .05770 per hour for each regularly scheduled work hour. Each employee's normal average monthly sick leave accrual is approximately 1.25 days. Each employee's normal total annual sick leave accrual averages 15 days. Overtime hours are not to be used when computing an employee's sick leave accrual.

Rate of Accrual after 1/1/09:

Each regular full-time employee hired after 1/1/09 shall accrue sick leave at the rate of .04615 for each regularly scheduled work hour. Each full-time employee's normal average monthly sick leave accrual is approximately one (1) day. Each full-time employee's normal total annual sick leave accrual shall not exceed twelve (12) days (.04615 times 2080 hours). Overtime hours are not to be used when computing an employee's sick leave accrual.

C. An employee does not accrue sick leave while suspended or on other leave without pay.

D. Sick leave benefits may be used for the following purposes:

1. Regular, full-time employee personal illness or injury.
2. Illness or injury in the immediate family which ordinarily consists of the parents, spouse and dependents of the employee who may require the employee's personal care and attendance. The length of time off depends on each individual set of circumstances, and is subject to approval by the City Manager.
3. Absences for necessary medical or dental appointments. The scheduling of routine medical or dental visits during working hours is discouraged.
4. Employees becoming ill while working who are sent home by the supervisor.

E. Employees experiencing a disabling illness or an off-duty injury must report the fact to their department office no later than 30 minutes before the starting time on the first day of absence. A call will be made to the department office on each succeeding day of absence unless specifically excused by the Department Director or other arrangements are authorized. An employee on sick leave must give the address and phone number of the place of convalescence.

F. Documentation from an attending health care provider may be required for absences in excess of three consecutive days indicating that the employee is capable to return to work and perform the essential functions of their job with no restrictions.

- G. Unreported and/or unapproved absences will be without pay. Failure to comply with any of the above may result in a denial of sick leave pay and/or disciplinary action. The City may withhold benefit payment to any employee who is guilty of submitting a false claim or abusing sick leave privileges. Disciplinary action may be taken for such false claim up to and including discharge.
- H. Five (5) sick leave instances (instance defined as any absence of four hours or more) during any twelve (12) month period, or three instances in a month, may indicate a pattern of excessive absenteeism and employees should be counseled that good attendance is a requirement, not an option. A doctor's statement may be required for any absence, and disciplinary action may be warranted where an excessive absentee pattern exists. The City may require any employee requesting sick leave to furnish a statement from his or her attending physician. The City also has the right to verify the report of the attending physician concerning the illness of any employee and to require the employee to be examined by a physician appointed by the City to determine the nature and extent of the illness or to certify prior to return to work that the employee is able to do the essential functions of the job.
- I. Eligible personnel with previous public entity service within the State of Ohio who are employed by the City of Beavercreek may be given credit for accrued but unused sick leave earned in such prior service. The credit will be granted upon presentation of a letter from the personnel officer of the former employer, stating the amount of unused sick leave accrued by the employee.

Employees hired after 1/1/2009:

Eligible employees shall be entitled to have up to but not to exceed thirty (30) days (240 hours) of their accumulated sick leave transferred to the City of Beavercreek.

- J. Accrued, unused sick leave balances are not paid to an employee who is terminated or resigns except if the employee retires as provided below.
- K. An employee who retires from employment with the City of Beavercreek and receives benefits from the State of Ohio's "Public Employees Retirement System", or any equivalent State of Ohio retirement system may have their sick leave balances paid as follows:

Hired before January 1, 2004:

All employees will convert sick leave to regular pay rate of two (2) sick days for one (1) regular pay of their accrued sick leave balance.

Hired after January 1, 2004:

Employees are eligible to convert sick leave pay to regular pay at the rate of two (2) sick leave days for one (1) of regular pay with a cap of 1,040 hours and any remaining balance will be paid at 20% of said balance.

Hired after January 1, 2009:

Employees are eligible to convert sick leave pay to regular pay at the rate of three (3) sick leave days for one (1) of regular pay with a maximum payout of 1,040 hours.

If an employee who would otherwise be eligible for retirement benefits dies while in the employ of the City of Beavercreek, the benefits based on the employee's hire date will be paid to the deceased employee's estate.

- L. Leave for work related injuries will not be charged to the sick leave balance of the employee.
- M. Sick leave usage, when approved, shall be charged in minimum units of one-fourth (1/4) hour increments. In order to receive pay for sick leave usage, an employee must comply with all departmental rules and regulations governing application and use.

**SENIORITY PAY**

**Section 4.03**

Regular full-time, non-union employees who were hired before January 1, 2004 and have completed the following continuous years of service with the City of Beavercreek shall receive the following amounts as a seniority payment once a year in December. December 1<sup>st</sup> is the date used for determining the number of years of service, and employees must be on the payroll on that date to be eligible for the seniority payment.

More than seven (7) years	\$200.00
More than fourteen (14) years	\$300.00
More than twenty (20) years	\$400.00
More than twenty-five (25) years	\$500.00

All employees hired after January 1, 2004 will not receive this benefit.

**HOLIDAYS**

**Section 4.04**

- A. Regular full-time, non-union employees are eligible for the following recognized holidays with full pay:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Thanksgiving Day
President's Day	Friday following Thanksgiving Day
Memorial Day	Independence Day
Christmas Eve	Christmas Day



B. Hired before January 1, 2009:

Regular part-time, non-union employees working 20 hours or more per week are eligible for one-half (1/2) of the holiday pay granted to regular, full-time non-union employees if the holiday falls on a scheduled work day for the employee. (i.e., if the employee is scheduled to work on a holiday they will receive four (4) hours of paid holiday pay if they work more than 20 hours per week.)

C. Hired after January 1, 2009:

Regular part-time employees will not receive holiday pay.

D. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday, and if a holiday falls on a Sunday, the following Monday shall be observed as a holiday unless otherwise designated by the City Manager.

E. An employee scheduled to return from leave without pay on the day after a holiday will not be paid for the holiday. An employee whose leave without pay is approved through the end of the last business day preceding a holiday is also presumed to be on leave during the holiday, and will not receive compensation for the holiday unless the City Manager has specifically authorized pay.

F. Each employee must work the regularly scheduled workday or work shift prior to or immediately after the holiday to be eligible to receive holiday pay unless otherwise excused.

G. Exempt employees required to work on a holiday will receive a day off during the pay period in which the holiday period falls.

H. Hired before 1/1/09:

Any non-exempt employee required to work on a holiday receives holiday pay equal to two (2) times their hourly rate of pay.

Hired after 1/1/09:

Any non-exempt employee required to work on a holiday receives holiday pay equal to one and one half (1.5) times their regular hourly rate of pay.

**PERSONAL LEAVE DAYS**

**Section 4.05**

A. Regular, full-time non-union employees and regular, part-time non-union employees working twenty (20) hours or more per week, are eligible to receive four (4) personal days off with full pay during each calendar year. (A day is defined as the average number of hours scheduled per week, i.e., 30 hours per week equates to 6 hours per day and therefore a regular part-time employee would receive 4 days or 24 hours of personal leave.) All personal days must be used during the calendar year in which they are earned or be forfeited. They may not be converted for pay.

B. Hired after January 1, 2009:

Regular part-time employees will not be eligible for personal leave.

C. New regular full-time employees will receive personal leave on a pro-rated basis- one day per quarter-during the first year of employment.

D. Employees must make proper notice for use of Personal leave, as designated by department rules and regulations. Personal leave must be scheduled with the approval of the employee's supervisor. The granting of Personal leave requests is subject to the scheduling needs of the City.

E. Employees are not paid for unused personal leave days upon their termination, retirement, or death.

F. Personal leave is to be taken in minimum units of a quarter hour (.25) and must be requested on the proper "Request for Leave" form.

**VACATION LEAVE**

**Section 4.06**

A. Regular full-time non-union employees are eligible for paid vacation benefits described herein. Yearly vacation leave is accrued and may be taken based upon the employee's anniversary date of employment.

Length of Service	Hourly Accrual Rate	Avg. Annual Days Vacation
One (1) through five (5) complete years of service	.03846/hr	10 days (2 weeks)
Six (6) through ten (10) complete years of service	.05769/hr	15 days (3 weeks)
Eleven (11) through nineteen (19) complete years of service	.07692/hr	20 days (4 weeks)
Twenty + years of service	.09615/hr	25 days (5 weeks)

B. The following provisions are applicable in administering the vacation time off for City employees:

1. Employees are encouraged to take periodic vacation time in order to boost morale and enhance job performance.
2. Vacation time off can only be taken after it has been properly accrued and posted.
3. Vacation may be granted in addition to any legal holidays that may fall during such vacation period.

4. Hired before 1/1/09:

Unused vacation leave may be accrued for up to a maximum of two years accumulation plus forty (40) hours and carried into the anniversary year. No vacation time will accrue beyond the maximum allowable time.

Hired after 1/1/09:

Unused vacation leave may be accrued for up to a maximum of two years accumulation. No vacation time will accrue beyond the maximum allowable time.

5. In order to receive vacation pay, time off for such vacation must be taken unless otherwise stated in this policy.
6. An employee who separates from City employment is eligible for compensation at his or her current rate of pay, for any unused accrued vacation credit at the time of separation.
7. Vacation scheduling is subject to the approval of the employee's Department Director and/or City Manager and is subject to the operational needs of the various departments/divisions of the City.
8. Leave requests must be filed with the supervisor at least one (1) week before vacation is taken and must be requested on the "Employee Absence Report" form. Department supervisors and the City Manager have the authority to approve or deny vacation requests.
9. Vacation leave is to be taken in minimum units of two (2) hours and must be requested on the proper "Request for Leave" form.
10. The City of Beavercreek recognizes prior Ohio public service in calculating vacation accrual rates provided there has not been an employment gap from public service of more than 6 months.

Effective with Employees hired after 1/1/09:

Employees who are FLSA exempt (not eligible for overtime) shall be given credit for up to, but not to exceed, ten (10) years of previous service credit to be used for purposes of computing the amount of vacation accrual.

**FUNERAL LEAVE**

**Section 4.07**

- A. Regular, non-union full-time employees may be granted usage of paid funeral leave, upon approval of the City Manager, for a maximum of five (5) days in the event of a death of an immediate family member. For purposes of this policy, the "immediate family" is defined as mother, father, child, spouse, grandparents, great grandparents, siblings, grandchildren, stepparents, stepchildren, stepsiblings or legal guardian or other person who stands in place of the employee's parent.
- B. Regular, non-union full-time employees may be granted usage of paid funeral leave, upon approval of the City Manager, for a maximum of three (3) days in the event of a death of the following family members: brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt or uncle.

- C. Paid funeral leave related to City business (prominent resident or contributor to the City) may be granted at the discretion of the City Manager.
- D. Funeral leave may be used to attend the funeral, make funeral arrangements or attend to other matters directly related to the funeral. Funeral leave may not be granted for any days following the date of the funeral unless approved by the City Manager or designee. Such additional time off may be granted under the City's other leave policies.
- E. Any requests for funeral leave must be requested in accordance with the "Notification of Absence" policy contained in Section 4.01 of this Manual. The relationship of the deceased family member should be indicated on the leave slip.
- F. The City Manager reserves the right to require documentary proof of the facts supporting the request for funeral leave.

#### **COURT DUTY**

#### **Section 4.08**

- A. If an employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, that employee will be excused from work for the time required for the service and will continue to receive his or her regular pay for the time required. The employee must present official notification or a subpoena to his or her supervisor and Human Resources to be excused, and must turn in to the City any fees received for such service.
- B. The employee will be expected to report for work following his or her service, if a reasonable amount of time remains during his or her scheduled work day.
- C. If an employee is called for court jury duty or subpoenaed to testify in a court of law outside of his or her regularly scheduled working hours, he or she will not be paid by the City.
- D. Employees are not eligible to paid time off when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters. (i.e., traffic court, divorce proceedings, custody hearings, etc.) Such absences are considered leave without pay. Personal, compensatory or vacation leave may be used at the employee's option, as scheduled in advance with the approval of the Department Head or designee.
- E. Employees appearing in court in connection with their official capacity with the City shall receive their appropriate rate of pay, and shall remit all witness fees received in connection with such appearance to the City within three (3) days of receipt of fees.

- F. Employees requesting to be excused for court duty will complete a leave form and submit it to their supervisor prior to taking such leave. An employee is expected to notify his or her supervisor each day regarding his or her continued need for time off.
- G. Those employees called for jury duty on their regularly scheduled time will receive full pay from the City. Jury Duty reimbursement payments, payable to the employee, should be turned over to the City if the court appearance was on their regularly scheduled days. Money received from the court for mileage reimbursement is the employee's and should not be turned into the City.

## **MILITARY LEAVE**

## **Section 4.09**

- A. Active Duty: In general, any employee who voluntarily or involuntarily enters any of the Armed Services of the United States, shall be granted a military leave of absence without pay. If not accepted for active duty, the employee should be reinstated to his or her former position without loss of seniority or status or reduction in pay. Employees returning to a previously held position under these provisions shall receive credit for military service in areas affecting status, rank, rating, increments, qualifications, etc., as though they had continued their City employment. This does not require that employees be credited with sick leave, personal leave and vacation accrual while on unpaid military leave.
- B. Reserve Training: R.C. 5923.05 requires that Ohio National Guard, Defense Corps, Naval Militia, and all U.S. Armed Forces reserve component members be authorized up to twenty-two (22) eight (8) hour working days [or 176 hours for forty (40) hours per week employees] leave with pay per calendar year for training purposes. Any employee called to military duty for a period in excess of the twenty-two (22) working days because of an executive order issued by the President of the United States or an act of Congress may receive the difference between his or her net monthly City wage, military pay and other military compensation received (i.e., housing allowance, etc.) to a maximum of \$500.00 per month. Along with requests for such leave, employees are required to submit the published orders authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete the necessary leave papers.
- C. Re-Employment After Active Duty: A regular employee who is drafted or is called for active duty in the Armed Forces of the United States, the Coast Guard, Public Health Service, or Civil Defense, or is drafted by the Merchant Marine Service, shall (in accordance with existing law) be eligible for re-employment after honorable discharge or discharge under honorable conditions from such services, provided the employee is physically and mentally able to do the work required and reports for work within ninety (90) days of such discharge, or such other time as provided by existing law, or within ninety (90) days after he or she

is released from hospitalization continuing after discharge for a period of not more than one (1) year. He or she shall be employed in the position or a similar position to the one held at the time of entry into the Armed Forces. All salary adjustments or position upgrades shall be granted the employee upon reinstatement. In the event his or her former job no longer exists, he or she shall be employed in such capacity for which he or she is qualified at a salary comparable with that he or she formerly received.

#### **WORKERS' COMPENSATION/OCCUPATIONAL INJURY LEAVE** **Section 4.10**

State law provides that every City employee is eligible for Workers' Compensation for injuries arising out of or in the course of his or her employment. The City of Beavercreek provides for occupational injury leave for city employees upon certain criteria being met. Guidelines for administering Workers' Compensation and Occupational Injury Leave are available upon request.

#### **FAMILY AND MEDICAL LEAVE ACT** **Section 4.11**

Federal law provides that City employees are covered by the federal Family and Medical Leave Act ("FMLA").

This policy outlines the conditions under which an employee may request time off pursuant to the FMLA. This policy is intended to describe the rights and obligations of employees and the City as provided in the FMLA, and is not to be construed as providing rights beyond those contained in the FMLA.

- A. A family or medical leave of absence is defined as an approved absence available to eligible employees for up to 12 weeks of unpaid leave during a 12-month period under particular circumstances described below. To determine the amount of FMLA leave to which an employee is eligible, the 12-month period is measured backward from the date of the qualifying event. In other words, any FMLA leave that was taken by the employee during the 12 months preceding the date that the employee takes additional FMLA leave will be counted to determine the amount of FMLA leave remaining.
- B. To be eligible for leave under this policy, an employee must have been employed here for at least 12 months and must have worked at least 1,250 hours during the 12-month period preceding the beginning of the leave.

C. Leave may be taken:

1. For the birth of an employee's child;
2. For the placement of a child for adoption or foster care with an employee;
3. When an employee is needed to care for a child, spouse, or parent who has a serious health condition; or
4. When an employee is unable to perform essential functions of his or her position because of the employee's own serious health condition;
5. When a qualifying exigency (emergency, necessity, requirement) results from a qualifying covered service member who is a spouse, son, daughter, or parent being on active duty or being called to active duty in support of a contingency operation;
6. To care for a qualifying covered service member injured in the line of active duty (providing up to 26 weeks of leave).

D. This policy applies to all family and medical leaves of absence, including leaves that are covered under paid employment benefit plans or policies of any part of the 12 weeks' leave to which the employee may be eligible under this policy. In other words, if an employee is eligible for both FMLA leave and paid leave under another policy such as sick, personal and/or vacation leave, the employee is required to use all applicable paid leave before unpaid leave is granted. FMLA leave and any paid leave will run concurrently. The leave will be taken in the following order, sick leave until exhausted, vacation leave until exhausted, personal time until exhausted, compensatory time (if applicable) until exhausted then unpaid leave.

E. The City will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform at least one of the essential functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time that the employee is needed to provide care.

The City may require a second medical opinion at its own expense. The City will require any employee taking FMLA leave as a result of his/her own serious health condition to provide a fitness-for-duty certification obtained at the employee's expense prior to restoring that employee's employment. If the first and second opinions differ, the City may require the binding opinion of a third health care provider, approved jointly by the City and the employee and paid for by the City. The City may also require the employee to provide medical re-certification of the need for leave obtained at the employee's expense, except for exigency or service member related leave.

- F. Leave may be taken on an intermittent or reduced-leave schedule if it is medically necessary for a serious health condition of the employee or his or her spouse, child, or parent or for the serious injury or illness of a covered service member or when necessary because of a qualifying exigency. If leave is requested on this basis, however, the City may require the employee to transfer temporarily to a part-time schedule or an alternative position that better accommodates recurring absences. The alternative position will have equivalent pay and benefits. For certification of intermittent leave or leave on a reduced-leave schedule for planned medical treatment, the certificate must state the dates on which such treatment is expected to be given and the duration of the treatment.
- G. Spouses who are both employed by the City are eligible for a joint total of 12 weeks' leave (rather than 12 weeks each) for the birth or placement for adoption or foster care of a child or for the care of a sick parent. For any other qualifying FMLA reason, each spouse will be eligible to the full 12 weeks of FMLA leave, or that portion of leave remaining in the relevant 12-month period.
- H. When the need for leave is foreseeable, such as the birth of a child, the placement for adoption or foster care of a child, or planned medical treatment, the employee must provide reasonable prior notice and make an effort to schedule leave so that it does not unduly disrupt City operations. Employees who are ill will be required to report periodically on their status and their intention to return to work. Medical recertification of the employee's condition and treatment regimen and anticipated date of return will be required periodically for the initial medical certification. An employee's failure to follow these provisions may result in postponement or denial of the requested FMLA leave.
- I. Group health care coverage will continue for employees on leave as if they were still working. Employees who are granted an approved leave of absence under this policy are advised to arrange to pay their share of premiums during the absence. If the leave is paid, premiums will continue to be paid through payroll deductions. If the leave is unpaid, employees are responsible for making sure the City receives premium payments by the normal payroll dates. The City will provide a schedule of payment amounts and due dates at the beginning of any unpaid leave of absence.
- J. If an employee chooses not to return to work, or does not stay at work for at least 30 days upon return (for reasons other than retirement), after an approved unpaid leave of absence, the City may recover from the employee the cost of any payments made to maintain the employee's health insurance, unless the failure to return is because of a serious health condition or reasons beyond the employee's control. Benefits based on length of service will be calculated as of the last paid workday before the start of the unpaid absence.



- K. Leave may be taken intermittently or on a reduced leave schedule when medically necessary and when necessary because of a qualifying exigency. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations.
- L. A request for Family and Medical Leave of Absence Form must be filled out by both the employee and the attending health care provider. Both forms must be completed in detail, signed by both the employee and health care provider and submitted to the Human Resources Department. If possible, the employee form should be submitted 30 days before the effective date of the leave. The Health Care provider's medical certification form must be submitted within fifteen (15) days of receipt of said form. An employee's failure to follow these requirements will result in denial of the requested FMLA leave.
- M. All requests for family and medical leaves of absence due to illness must include sufficient medical certification stating:
  - 1. The date on which the serious health condition began;
  - 2. The probable duration of the condition; and
  - 3. The appropriate medical facts that the health care provider knows about the condition.

In addition, for leave to care for a child, spouse, or parent, the certificate must include an estimate of the amount of time that the employee is needed to provide such care. For a leave due to an employee's illness, the certificate must state that the employee is unable to perform at least one of the essential functions of his or her position. An employee's request for and use of FMLA leave because of a qualifying exigency or to care for a covered service member with a serious injury or illness must also be supported by certification. An employee's failure to timely provide certifications and re-certifications relating to FMLA leave will result in postponement or denial of FMLA leave.

- N. The City may contact an employee's doctor directly for clarification and authentication if there are questions about their medical certification.
- O. Payment of any attendance bonuses will be denied if an employee does not meet the attendance goal due to their use of FMLA leave.
- P. An employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the City to enforce their FMLA rights.

## **UNAUTHORIZED LEAVES**

## **Section 4.12**

Any City employee who is absent from duty without authorized leave and notice to the City Manager or designee, is subject to disciplinary action up to and including termination and/or may be considered to have constructively resigned where the situation warrants.

## **OTHER LEAVES OF ABSENCE WITHOUT PAY**

## **Section 4.13**

- A. Upon the written request of a regular full-time non-union employee, the City Manager may, in his discretion, grant the employee a leave of absence without pay, when no other paid or unpaid leave is available, for the following reasons:
1. Education Leave: To enable an employee to engage in a course of study that will increase his or her usefulness to the City service.
  2. Extended Illness: To enable an employee who is physically or mentally incapacitated to recover his or her health.
  3. Extended Family Leave: To care for the employee's spouse, child or parent with a serious illness.
  4. Personal Leave: Other personal issues considered valid in the sole discretion of the City Manager.
- B. The maximum duration of a leave of absence without pay for personal reasons of the employee may not exceed six (6) months. Such leave may be renewed or extended beyond the six months at the sole discretion of the City Manager if the request for extension meets all requirements of the original request.
- C. Except in the case of Family and Medical leave covered by Section 4.10 of this manual, the authorization of a leave of absence without pay is solely a matter of administrative discretion, and each request will be decided by the City Manager based upon its own merits.
- D. The granting of any leave of absence is subject to approval by the City Manager. Employees will provide written request to the City Manager sixty (60) days prior to commencement of the desired leave if possible.
- E. Upon returning from a leave of absence, the employee is to be placed in his/her original position, or another position at a similar level of responsibility with the same pay.
- F. If an employee fails to return to work upon the expiration of an authorized leave of absence without pay, that employee will be considered as having resigned from the position.

- G. An employee who has received an authorized leave of absence without pay is not in active pay status and is not eligible to receive benefits of employment, such as sick or vacation leave, paid personal leave, holiday pay, insurance benefits (except as required by FMLA), seniority benefits, and PERS/PFPF service credit.
- H. If it is determined that an employee is abusing the leave of absence and not actually using the leave for the purpose specified, the City Manager may cancel the leave and provide the employee with a written notice directing the employee to report for work. Further, the employee may be subject to disciplinary action up to and including termination.
- I. Leaves of absence are to be submitted on the Employee Absence Report form with supporting documentation attached (if applicable).

#### **INCLEMENT WEATHER/EMERGENCY DEPARTMENT CLOSINGS**      **Section 4.14**

The purpose of this policy is to set forth the City's policy for payment or non-payment of employees for time not worked due to weather emergencies or severe weather conditions.

- A. In the event a weather emergency or other emergency closing is declared and the City Manager closes City departments/divisions, employees will be compensated for the number of hours for which they were scheduled to work during the emergency period. If City offices are closed, the City Manager's office will notify area media (i.e., radio, television, city T.V. channel, etc.) of this decision.
- B. The City recognizes that on certain days it may be difficult or impossible for a scheduled employee to come into work, due to excessive snow, ice or other inclement weather. The City encourages its employees to come into work on such occasions, only if in the employees' judgment they are able to do so in a safe manner. If in the opinion of the City Manager such inclement weather conditions exist, the following policy specifies the guidelines for payment of wages on such days:
  - 1. Scheduled employees who are able to come into work on such inclement days shall be paid at their regular wage for actual time worked. Those employees who are not able to come into work due to inclement weather shall have the option of receiving an excused day off without pay, or using accrued vacation, personal leave, or compensatory time off.

2. Employees who actually report to work and then are sent home prior to the end of their regular shift due to inclement weather or an emergency department closing will receive payment for the remaining portion of their shift. Employees who actually report to work, and then are given the option of going home prior to the end of their regular shift due to inclement weather may use accrued vacation, personal leave, or compensatory time in order to exercise the option of going home early.
3. Employees not scheduled to work because of scheduled vacation, prior approved sick leave, or leave of absence will be charged for the leave during the period of any declared emergency or order to close, and those employees will be eligible for payment of sick leave or vacation leave which had already been requested.
4. Inclement weather is not a valid reason for the use of sick leave.

#### **HEALTH INSURANCE/LIFE INSURANCE**

#### **Section 4.15**

- A. Regular, full-time non-union employees and eligible dependents of the City are eligible for health insurance and life insurance as provided by the City from time to time upon such terms, conditions, and requirements, and in such amounts as the City shall authorize.
- B. All regular non-union employees may be required to pay a percentage of the monthly premium for insurance coverage as determined by the City.
- C. Employees are responsible for keeping the insurance carrier current on any changes affecting their coverage through the Human Resources Department (e.g., marriages, births, divorce, etc.).
- D. The City Manager reserves all rights as to the determination of insurance carriers. The City Manager shall reserve the right to limit the amount of premiums for which the City will be liable, and to set the amount of premiums for which employees may be responsible.
- E. Specifics on eligibility of an employee for coverage and rejection of an employee for coverage can be found in the actual insurance plan.
- F. Employees on unpaid leave may make arrangements to pay insurance premiums directly after the City's obligation has elapsed.
- G. Life Insurance:  
Regular, full-time non-union employees of the City shall receive term life insurance coverage of a minimum amount of \$30,000.

## **COBRA HEALTH INSURANCE FOLLOWING SEPARATION**

## **Section 4.16**

An employee who is covered under the City's group health care insurance or certain related group insurance, and who loses coverage due to a reduction in hours or a termination of employment (for other than gross misconduct), may be eligible to purchase continuation coverage at his or her own expense. The Human Resources Department will provide information to the employee of his or her rights and obligations to continue coverage under the health insurance group after cessation from payroll through the assumption of premium costs by the employee.

## **UNEMPLOYMENT COMPENSATION**

## **Section 4.17**

Employees may be eligible for unemployment compensation if they are laid off or are removed for reasons other than just cause. An employee is generally not eligible to collect unemployment when he or she resigns, is collecting sick leave or certain Workers' Compensation benefits, or is unsuitable for the required work. Unemployment compensation is governed by the regulations of the State of Ohio Bureau of Unemployment Compensation.

## **RETIREMENT PLAN**

## **Section 4.18**

- A. All employees of the City other than those specifically exempted by statute are required by law to participate in the Ohio Public Employees Retirement System (PERS) or the Police and Fire Disability Pension Fund.
- B. A member of one of these retirement systems, a percentage of each employee's gross salary is deducted from each of their paychecks and paid into a retirement fund. The amount deposited by each employee is matched or possibly exceeded by the city's contribution. The amount of these contributions is determined by the administrative body that administers the retirement system, in accordance with state law. The City does not determine the contribution amount.
- C. These plans are entirely independent of the Federal Social Security System. Employees may obtain basic information regarding these retirement plans by contacting the Human Resources Department. If employees should have any further questions regarding the benefits available under these plans, they may contact the retirement system's administrative bodies:

Public Employees Retirement System  
277 East Town Street  
Columbus, OH 43215  
(614) 466-2085

Police & Fire Disability & Pension Fund  
230 East Town Street  
Columbus, OH 43215  
(614) 228-2975

- D. The City of Beavercreek has adopted several deferred compensation plans for full-time employees. Information regarding these plans is available from Human Resources Department

## TUITION REIMBURSEMENT

## Section 4.19

- A. Subject to budgetary constraints, any regular full-time employee who has at least one (1) year of service with the City of Beavercreek is eligible for participation in the Tuition Reimbursement Program. If the employee's request is denied due to budget constraints, their request will receive priority consideration under the next fiscal year.
- B. Reimbursement of tuition and lab fees is subject to the following conditions:
1. Courses must be taken through a school, college, or university accredited by one of the six nationally recognized accrediting associations. The six accreditation associations are MSA – Middle States Association; NASC – Northwest Association of Schools and Colleges; NCA – North Central Association of Schools and Colleges; NEASC – New England Association of Schools and colleges; SACS – Southern Association of Colleges & Schools; WASC – Western Association of Schools & Colleges.
  2. The course of study must be toward a degreed program in a field related to the employee's current position or a promotional position which the employee is eligible. In September of each year, employees who desire to take courses in the next fiscal year, and who meet the objectives stated above, must complete the Tuition Request Form. The Request will be reviewed to determine if it meets all the objectives of this policy and if it does, it will be considered during the following year's budget requests. The amount of tuition reimbursement allocated to the upcoming budget will be at the discretion of the City Manager.
  3. Reimbursement will be made within thirty (30) days following the conclusion of the course work, and after submission by the employee of documents showing completion and passing grades. Reimbursement will be based on the following schedule:

<u>Final Grade</u>	<u>% Reimbursement</u>
A-C	100%
D and below	0%
  4. The City of Beavercreek will not provide reimbursement for books, parking fees, late fees and/or drop charges.
  5. The City Manager has discretion to determine all eligibility issues, whether or not an application will be approved and the amount of reimbursement that will be recommended as part of the annual budget.
- C. An employee who resigns or whose services are terminated by the City while a course is in progress will not be compensated for any course they are presently taking.

- D. An employee receiving reimbursement must continue their employment with the City of Beavercreek for two (2) years from the end of the last reimbursed grading period. If not, the employee shall pay back to the City of Beavercreek a proportionate share of the cost of the tuition and books and any fees incurred under this program. The proportion shall be a fraction, the numerator of which is the 24 months minus the number of months since the end of the last reimbursed grading period and the denominator of which is 24 months. This fraction will be multiplied by the total amount the City has paid. Repayment by the employee may be withheld from the employee's last check.
- E. The maximum amount an employee can be reimbursed in any calendar year will be set annually.

#### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

#### **Section 4.20**

The City is committed to the total health and well-being of its employees and to appropriately addressing the issues and personal problems which could benefit from counseling. Therefore, the City believes that it is in the best interest of the employees, families of employees and the community to provide an Employee Assistance Program (EAP). Employees and their families are encouraged to seek assistance from the EAP as needed. This benefit is available to all regular full-time and regular part-time employees at the City's expense.

#### **UNIFORMS**

#### **Section 4.21**

- A. Police personnel and employees in the Public Works, Planning and Zoning and Parks/Recreation Departments are furnished work uniforms and/or other safety equipment as needed and as provided by any collective bargaining agreements.
- B. No employee may wear or use any uniform except while on duty for the City or traveling to or from their job. All uniforms remain the property of the City of Beavercreek, and the cost of any lost or unreturned uniforms are reimbursed to the City by the employee.
- C. The type of uniforms, colors, style and the emblems or embroidery will be selected by the City to ensure uniformity within the departments unless specifically addressed in the union contracts.

#### **ETHICS OF PUBLIC EMPLOYMENT**

#### **Section 5.01**

- A. All City employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio, and other rules and regulations as may be set forth by the City. Conduct that interferes with normal City operations, brings discredit to the City, is illegal, or is offensive to the public or fellow employees will not be tolerated.

- B. It is important to remember that the compensation of employees is paid mostly through taxes and user fees. Therefore, each City employee assumes the responsibility of serving the public in an honest, effective, and cheerful manner.
- C. An employee may not use his or her position for personal gain nor engage in any transaction, business, or any other interest that is in conflict with the proper discharge of his or her official duties.
- D. The Human Resources Department will provide new employees with a copy of O.R.C. Chapter 102: Public Officers Ethics and O.R.C. 2921.42 (having an unlawful interest in a public contract) within fifteen (15) days of hire, and will require the employee to acknowledge receipt in writing.
- E. No employee may disclose confidential or proprietary information concerning the property, government, or affairs of the City without proper legal authorization.
- F. No employee may accept any gift of value in the form of service, loan, item or promise from any person, firm or organization that maintains an interest in any business dealings with the City that may tend to influence a municipal employee in the proper discharge of official City duties. An employee who is offered something of substantial value must report the offer to his or her supervisor as soon as possible after the incident. (See Section 5.09 for additional details)
- G. An employee may not engage in any matter that represents a conflict of interest with the City, or undermines the integrity of the Beavercreek Government.
- H. Employees who have any doubt regarding possible violations of the ethical standards set forth herein are advised to consult with their supervisor, Department/Division Head, or Human Resources prior to engaging in any potentially affected activity.
- I. Employees must, at all times, be courteous and attentive in every contact with the public. There is no justification for rudeness or even a curt response to anyone. While no employee is expected to endure personal attacks or unlawful behavior from the public, appointed officials or elected officials, in the event such attacks or behavior is directed toward the employee, he/she may not respond in kind. Any employee who has had force or an unlawful threat used against him/her to attempt to prohibit the lawful discharge of his/her duties must report such action immediately to the City Manager or designee so that appropriate action may be taken.
- J. Those employees whose duties routinely include contact with the public must be fully knowledgeable of the matters normally handled by their office, prepared to assist the citizens in attainment of their needs, and use imagination and judgment to find solutions to problems.



- K. Those employees whose duties do not routinely include contact with the public need to be alert to the occasional or potential opportunity to foster goodwill through courteous behavior and thoughtful conduct of their work. Effort should be made to predict the impact of routine service disruptions and effects of such disruptions and to notify citizens and minimize the inconvenience.

## **WORKPLACE VIOLENCE**

## **Section 5.02**

- A. The City of Beavercreek has zero tolerance for workplace violence. All employees of the City of Beavercreek, including elected and appointed officials, and managers and supervisors, are expected to treat each other, their customers and clients and all others; with courtesy, dignity and respect. Employees who harass, threaten or use violence in the workplace are subject to severe disciplinary action including discharge and possible criminal charges. Possession, use or threat to use, of a deadly weapon, including all firearms, is not permitted at work or on City property, including a City vehicle, unless such possession or use of a weapon is a necessary and approved requirement of the job.
- B. No employee acting in good faith, who reports real or implied violent behavior will not be subject to retaliation or harassment based upon their report.
- C. Workplace violence is defined as the use of physical force, harassment, intimidation or abuse of power or authority, where the impact is to control by causing pain, fear or personal injury; violence can also involve destroying property, or throwing objects in a manner reasonably perceived to be threatening; or consists of a communicated or reasonably perceived threat to destroy property. The City of Beavercreek recognizes that family violence, violence at work, and any other violence can affect any employee's work performance. Some City employees are exposed to violence by the very nature of their jobs. The City understands that all human relationships include the potential for conflict that may be expressed as incidental or sustained violence. This includes actions of employees, supervisors, customers, clients, vendors or other persons.
- D. All employees are responsible for refraining from acts of violence, harassment and threats and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace and reporting to managers and supervisors any dangerous or threatening situations that occur in the workplace. Employees are encouraged to report to their managers/supervisors situations that occur outside of the workplace which may affect workplace safety, i.e., instances where protection orders have been issued, etc.

- E. Managers and supervisors are responsible for assessing situations, making judgments on the appropriate response, and then responding to reports of or acknowledge of harassment, aggressive or threatening behavior, and/or violent acts, and for initiating the investigation process. Any report of violence, harassment or threatening behavior, will be evaluated immediately and confidentially, and appropriate action will be taken, where possible, in order to protect the employee from further violence.

Appropriate disciplinary action will be taken when it is determined that City of Beavercreek employees have committed acts of violence.

- F. When a violent act occurs, if the act of altercation constitutes an emergency, CALL 911. After contacting 911, contact your immediate manager or supervisor. If possible, separate employees involved. Do not allow a verbal altercation to escalate into something more serious. If the employees cannot be separated or it would be too dangerous to the employee or manager to attempt to separate the parties, CALL 911. In cases that are not emergency situations, contact your immediate manager or supervisor.
- G. Incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation. Incidents that do not involve an emergency situation, and/or criminal activity, will be handled by the Human Resources Department. The Human Resources Manager, in consultation with the City Manager, will determine whether an investigation is needed and who will conduct the investigation.
  - 1. Complaints of harassment, threatening behavior and acts of workplace violence and retaliation that are in violation of the workplace violence policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. A complaint need not be limited to someone who was the target or harassment or retaliation. Anyone who has observed harassment, the threat to use violence, acts of violence or retaliation should report such concerns to his or her immediate supervisor. In the event that it would be inappropriate to report such concerns to his or her supervisor, the report may be made to the Human Resources Manager. Employees may report harassment, threats and acts of violence to ANY supervisor or manager during incidences when it would not be appropriate to report to their immediate supervisor or the Human Resources Manager.
  - 2. Only those who have an immediate need to know may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy.

- H. Beaver Creek employees who engage in harassing or threatening behavior and/or violent acts, retaliation or who fail to cooperate with Beaver Creek sponsored investigations of workplace violence, the threat of violence or retaliation may be subject to discipline, up to and including dismissal.
- I. Making a knowingly false claim of workplace violence may subject an employee to discipline, up to and including termination of employment.

## **ON-THE-JOB SAFETY**

### **Section 5.03**

- A. It is the responsibility of each employee to ensure that all safety equipment is used and all safety procedures/practices are observed. Employees failing to follow standard safety practices and procedures and/or negligent in equipment operation, resulting either in damage to the equipment or an accident, may be disciplined according to these policies or respective bargaining agreements.
- B. Any employee found to be wantonly or intentionally negligent in equipment operation resulting in either damage to the equipment or an accident, is subject to immediate termination.
- C. Each employee will be expected to cooperate with established safety procedures and in the investigation of all on the job accidents and assist in making the work environment safe for the employee and co-workers.
- D. Employees must report all accidents to their supervisor immediately by phone or in person. At no time is knowledge of an accident to be delayed or withheld. Such accidents must be fully documented and reported by the employee's supervisor to Human Resources no more than 24 hours after the accident.

## **APPEARANCE**

### **Section 5.04**

- A. The City reserves the right to prescribe appropriate dress and grooming, and to set standards which are in the best interest of the City.
- B. The City requires that an employee's clothing and overall appearance be appropriate and should present a favorable public image.
- C. Clothing should be conducive to the safe and effective performance of required job duties.
- D. Some departments may have uniform or name tag requirements in addition to the rules in this manual. In such cases, the City will provide to each employee a regulation uniform, at no cost to the employee. This includes uniform rental expenses.

- E. Those employees required to wear uniforms shall keep them neat, clean and in good repair and shall only wear them during working hours and travel time to and from work.
- F. Certain departments provide and require their employees to wear hip boots, rain suits, safety shoes, hard hats, and winter clothing when appropriate.
- G. Any City employee who displays on their person body decorations which are plainly visible to the public when in City uniform or while wearing business attire may be required to remove or cover-up body decoration while on-duty at the discretion of the City Manager. Such body decorations shall include, but are not limited to, permanent or removable jewelry, studs, tattoos, earrings, pins, body piercing, and other similar adornments. The type, location, size, subject matter, visibility, safety and/or potential distraction to the public of such body decorations shall be factors considered by the City Manager when determining whether an employee shall be required to remove or cover-up a particular body decoration from public view while on City time.

#### **PERSONAL MAIL/TELEPHONE CALLS**

#### **Section 5.05**

- A. Excessive use of the City's address for receipt of personal mail may result in disciplinary action.
- B. Excessive use of telephones, long distance calls, and/or cellular phone calls for other than City business purposes without prior supervisory approval may result in disciplinary action.
- C. Occasional personal long distance and cellular calls may be made on City telephones at the employee's expense. Employees should discourage persons from telephoning them at work for reasons other than emergencies.

#### **OUTSIDE EMPLOYMENT**

#### **Section 5.06**

- A. Under no circumstances may a City employee have other employment which conflicts with the policies, objectives and operations of the City or their Department. In addition, an employee may not become obligated to a second employer whose interests might be in conflict with those of the City.
- B. Employment "conflicts" as addressed in this policy, occur when a second job impairs the employee's ability to perform the duties of his or her position or negatively impacts the effective operations of the employee's work responsibilities.
- C. Full-time employment by the City is considered the employee's primary occupation, taking precedence over all other occupations.

- D. Prior to accepting "outside" employment, and annually thereafter (see H below), an employee must complete the Secondary Employment Form and present it to their Department Director and/or Human Resource Manager. The Department Director and/or Human Resource Manager will confer with the employee to determine whether the "secondary job" presents a conflict with City policies, objectives, interests and/or operations.
- E. Outside employment, or "moonlighting," is a concern to the Department Director and/or City Manager if it adversely affects the job performance of the employee's City job, constitutes a violation of state or local ethics laws, or poses an "incompatibility of office" problem as defined by opinions of the Attorney General of Ohio.

Two common employment conflicts that may arise are:

1. Time conflict: defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with the City, or when the demands of a "secondary job" prohibit adequate rest, thereby adversely affecting the employee's job performance with the City.
  2. Interest conflict: defined as when an employee engages in "outside employment" which tends to compromise his or her judgment, actions and/or job performance with the City.
- F. Any conflict policy infraction, or other specific offense which is the direct or indirect result of an employee's participation in outside employment, may result in discipline up to and including termination of employment.
  - G. No employee may use city-owned equipment or uniforms in performing job duties and responsibilities of any outside employment job. This prohibition does not apply to law enforcement employees who are engaged in authorized special duty in accordance with departmental rules.
  - H. Approval of all continuous outside employment positions will expire on December 31<sup>st</sup> of each year. Employees wishing to continue outside employment positions must submit a new request no later than December 1<sup>st</sup> of each year.
  - I. Appeals of the decision by the Department Director or Human Resource Manager will be to the City Manager. The City Manager's determination will be final.

## **SMOKING**

## **Section 5.07**

- A. It is the policy of the City to comply with all applicable laws regarding smoking in the workplace and to provide a work environment that promotes the well-being of its employees.
- B. The City recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is prohibited in all facilities. Smoking is prohibited in all City vehicles.

## **PERSONNEL FILES**

## **Section 5.08**

- A. The City maintains official personnel files on all City employees covered by this manual. Such files include individual employment data; payroll information; work time schedules; records of additional deductions paid; application forms; records pertaining to hiring, promotion, demotion, transfer, layoff and termination, discipline, etc. As a general rule, most of the contents of personnel files are treated as public records under Ohio law, and thus are subject to mandatory disclosure upon request by members of the public. To the extent provided by law, however, the City treats records that are exempt from public disclosure (such as certain medical records, confidential law enforcement investigator records, trial preparation records, records pertaining to adoption, probation, privileged communications from attorneys and parole proceedings) with confidentiality.

Records designated as "public records" by Ohio or applicable federal law are prepared and made available to any member of the general public within a reasonable time of the City's receipt of a request for such documents. In the event that a member of the public wishes to obtain copies of public records from the City, a records request form must be filled out. The City will make every effort to notify employees of such requests.

The City may charge individuals a reasonable fee for copying data for public use. Nothing herein shall prevent the City's dissemination of impersonal statistical information.

- B. An employee may inspect his or her official personnel file upon reasonable advance request. An employee should contact the Human Resource Department to schedule an appointment. In all cases, the file is to be viewed only within the presence of a Human Resources staff member. No part of the personnel file may be removed from the office by the employee. All records in the personnel files which are governed by law as not accessible to the public (adoption records, parole records, etc.) are to be removed prior to inspection by the employee.

- C. To ensure accurate contact information and to comply with the IRS tax reporting requirements, employees must advise the Human Resources Department of any change in name, address, marital status, telephone numbers, emergency contacts, number of exemptions for tax purposes, citizenship/immigration status, or association with any government military service organization. The Human Resource Manager or designee shall then update the employee's personnel file

## **GIFT AND GRATUITIES**

## **Section 5.09**

City services are not to be extended by employees in exchange for special rewards, gifts or other remuneration from outside individuals, companies or organizations. No employee may either solicit or accept any fee, award, gift, gratuity or honorarium that has any connection whatsoever with his/her municipal employment or the performance of official duties. Except for items of nominal value (i.e., pens, calendars, etc.) no employee may accept for personal use a fee, gift or any offering in the course of or in connection with their work. Any gifts, fees, rewards or other gratuities coming into the possession of an employee are to be turned over to their Department Director to be returned or disposed of.

## **TARDINESS**

## **Section 5.10**

- A. Repeated tardiness is inexcusable and will not be tolerated. Tardiness is defined as any situation where an employee reports to work after his or her scheduled starting time. Whenever an employee is tardy, that employee may be subject to a reduction in pay corresponding to the amount of time he or she was late. In addition, if an employee is tardy, that employee may be subject to appropriate disciplinary action unless he or she offers to the supervisor a valid reason for being tardy deemed acceptable by the supervisor.
- B. Employees are responsible for reporting to work at the place designated by their immediate supervisor.
- C. Employees may not leave their work area and quit working prior to their scheduled quitting time, unless approved by his or her supervisor.
- D. FLSA exempt employees are also required to report to work promptly and work the required time needed to complete their job duties. Exempt employees who are repeatedly late may be subject to appropriate disciplinary action.
- E. Collective bargaining agreements or departmental policies may provide for discipline for specific numbers of absences/tardiness.

## **POLITICAL ACTIVITY**

## **Section 5.11**

- A. Employees of the City serve all City residents equally. The political opinions or affiliations of any resident shall in no way affect the amount or quality of service received from the City. Employees' political affiliations, preferences or opinions will not in any way influence their appointment, retention or promotion as City employees.
- B. Appointed employees of the City shall not demand or coerce any assessment, subscription or contribution intended for any political purpose whatsoever from fellow employees or from the general public.
- C. City employees shall refrain from engaging in any activities in support of or in opposition to any candidate for public office, electoral issue or political issue while on duty. This includes soliciting or receiving any contributions, subscriptions or political service from any person or firm while on duty. Nothing in this section shall be construed to prevent employees from becoming or continuing to be a member of any lawful political organization, attending lawful political meetings while off-duty, expressing their views on political matters while off-duty, or from voting with complete freedom in any election.
- D. City employees (in discussion with the City Manager), before accepting, running, or applying for another public position or office, must consult with the City Manager to determine if the position is incompatible with their present City of Beavercreek position per Ohio Attorney General's Opinions on compatibility.

## **SOLICITATION AND DISTRIBUTION**

## **Section 5.12**

- A. Solicitation is not permitted during working time or during non-working time in areas where it will disturb other employees who are working. Distribution or circulation of printed material by employees is not permitted during working time or during non-working time in areas where it disturbs other employees who are working nor will distribution be permitted at any time, including working and non-working time, in working areas. For purposes of this provision, these words mean as follows:
  - 1. "Solicitation" occurs whenever a City employee is approached at the workplace, either by a fellow City employee or by a non-employee, to contribute funds, join organizations, or purchase products, services, tickets or other considerations.
  - 2. "Distribution" is the circulation or handing out of literature and other materials during the normal course of work.
  - 3. "Working time" includes the regularly scheduled work hours and overtime hours of both the employee conducting a solicitation and/or distribution



and/or the employee to whom such conduct is directed, but excludes breaks and lunch.

Solicitation and/or distribution of literature by any non-employee is prohibited:

- During the working time of any employee involved in the solicitation or distribution;
  - At any time in the non-public areas of City owned premises; or
  - In public areas where such conduct is not incidental to the normal use of the area, is disruptive of working employees, or interferes with the use of city property by members of the general public.
- B. The posting and distribution of non-work related literature and materials through City employee message and/or interoffice mail facilities is prohibited without prior approval from the City Manager or designee.
- C. A limited number of employee solicitations on behalf of recognized charitable organizations may be undertaken subject to approval of the City Manager.

#### **USE OF CITY VEHICLES**

#### **Section 5.13**

- A. Safe and courteous driving practices must be adhered to by all City employees operating City owned motor vehicles. City personnel operating motor vehicles must obey all applicable traffic laws. No City employee is permitted to operate a motor vehicle with auxiliary equipment, or self-propelled equipment or trailers owned or operated by the City, without proper authorization. Motor vehicle operators are required to adhere to the following.
1. All vehicles shall be operated without abuse to assure full life expectancy of said vehicle.
  2. Any city vehicle with equipment in tow shall be restricted to a safe speed.
  3. Operators must observe extra caution when operating City equipment in the vicinity of City parks and schools.
  4. Seat belts must be used at all times when vehicles are in motion unless emergency situations prohibit their use.
  5. Any discourteous or unsafe operation of a City owned vehicle can reflect poorly upon the City of Beavercreek, thus City employees should make every effort to avoid incidents which may aggravate or endanger citizens of the community.
  6. No Smoking in City owned vehicles per Section 5.08 No Smoking Policy.
  7. Operators shall report to their immediate supervisor any mechanical and/or functional problems of City owned vehicles so reports can be made as soon as possible.
- B. Any City employee violating the above mentioned regulations or found to be negligent in the operation of a City vehicle may be subject to disciplinary action.

- C. City employees are required to inform their Department Director if their driving privileges are suspended or revoked. Failure to do so may result in disciplinary action up to and including termination. No employee may drive a City vehicle without proper driving privileges or a valid drivers' license.

#### **USE OF CITY FACILITIES AND EQUIPMENT**

#### **Section 5.14**

Employees may use City facilities and equipment only for functions involving their job assignments. No employee is permitted to use or permit the use of City owned vehicles, equipment, materials, or property or any other facility for personal convenience or profit, unless prior written authorization is received from the City Manager or his/her designee.

#### **TOOLS, SUPPLIES, UNIFORMS, EQUIPMENT AND VEHICLES**

#### **Section 5.15**

- A. When tools, supplies, uniforms, equipment and vehicles needed to perform job duties are provided by the City, it is the responsibility of employees to see that they are properly used and maintained.
- B. Misuse, neglect, theft, and/or abuse of tools, supplies, uniforms, equipment and vehicles, is prohibited. Accidents involving misuse or abuse of tools, supplies, uniforms, equipment and vehicles will be cause for disciplinary action. Loss of or damage to tools, supplies, uniforms, equipment and vehicles may require payment by the employee for those items lost or damaged, at the discretion of the City Manager.
- C. All tools, supplies, uniforms, equipment and vehicles utilized by the employee in the performance of his or her job are subject to prior approval by the Department/Division Supervisor or designee.
- D. City employees have an obligation to use public property for public purposes and to avoid wasting public resources. Under no circumstances may an employee take an item for use by another person, or for gain by reselling.
- E. The use of personal property for City business must be pre-approved by the Department/Division Supervisor. Employees may be eligible to be reimbursed for damage to personal property only with approval of the City Manager on a case-by-case basis.
- F. The City Manager or designee shall report damaged or stolen equipment or vehicles to their insurance company, so as to allow the City to make a claim under any applicable insurance policies.

## **BULLETIN BOARDS**

## **Section 5.16**

- A. It is the policy of the City to provide and maintain bulletin boards as a means of communicating information to employees. All material that is to appear on City bulletin boards will be posted and removed only by the City Manager or his or her designee. The Clerk of Council is responsible for all materials on the Council bulletin board.
- B. All City notices, Federal and State required notices and legal notices shall be posted in an area visible to all employees. Information of a general public interest may be posted by the City Manager or designee only in the area so designated for such purposes.
- C. Employees and non-employees wishing to have material posted on a City bulletin board must submit the material to be posted to the City Manager or designee for prior approval. The material to be posted must be signed by the person making the request. Material posted in violation of this policy will be removed from the City bulletin board. Employees who violate this posting policy are subject to disciplinary action.

## **VOICEMAIL**

## **Section 5.17**

All messages stored on the City's voicemail system are the property of the City of Beavercreek and are subject to inspection at any time. Voicemail is to be used in a manner that is consistent with the goals of the City.

## **COMPUTER SOFTWARE**

## **Section 5.18**

To ensure the adherence to United States copyright law, the City of Beavercreek requires the following:

- A. Only authorized, legal computer software purchased by the City may be loaded and used on City computers. Software license agreements must also be strictly followed. Illegal software not purchased by the City or found on City computers in violation of license agreements will be removed immediately by the City.
- B. City purchased software is not to be copied by any person other than designated personnel, and then only for the purpose of authorized, legal copies for archive and backup purposes.

Software piracy or copying computer software onto or off of City computers is illegal and therefore is not permitted.

Installation of software on City computers is prohibited without proper authorization from the Financial Administrative Services Director or designee.

Individuals disregarding this policy will be subject to appropriate disciplinary procedures as prescribed in this manual. Any damage incurred by the City of Beavercreek due to violation of copyright law and/or software license agreements as outlined in this policy will be the responsibility of the individual violator(s).

#### **E-MAIL USE/COMPUTER/INTERNET**

#### **Section 5.19**

- A. The use of computer technology and assignment of an e-mail/internet account through the City of Beavercreek is to support and facilitate research and communication among employees by providing access to resources and the opportunity for collaboration for work purposes. Computer, internet and electronic mail usage may be monitored by the system operator or other personnel at any time. The use of any electronic technology resources of the City of Beavercreek implies acceptance of all current operational policies.
- B. The City of Beavercreek believes that the valuable information and interaction available on this worldwide network far outweighs that possibility that users may procure material that is not consistent with the needs and goals of the City of Beavercreek. The City of Beavercreek does not condone the use of such materials and will automatically cancel the accounts of those who access this type of material. Improper use may subject the employee to discipline up to and including termination of employment.
- C. The open connection afforded by internal access underscores the need for heightened awareness among public employees regarding prudent behavior as it pertains to information dissemination and access. Because electronic mail may appear to be more personal, casual and more private than traditional paper correspondence, it is important to re-emphasize that all communications, unless specifically exempted by law, regardless of their form, are subject to the Public Records law.
- D. Please refer to the City of Beavercreek's administrative policy on E-Mail and electronic communications for a thorough understanding and guidelines.

#### **NEWS MEDIA CONTACT**

#### **Section 5.20**

- A. Any employee contacted by the news media (radio, television, newspaper, etc.) on a story related to City operations shall forward all callers to the City Manager or designee for a response.
- B. This policy is designed to avoid duplication, assure accuracy, and to protect employees who might be accused of violation of confidential mandates. The intent of this policy is to be helpful to both staff and the media.
- C. Individuals disregarding this policy will be subject to appropriate disciplinary procedures as prescribed in this manual.

## **EMPLOYEE CHARGE OR CONVICTION IN COURT OF LAW**

## **Section 5.21**

- A. The conviction of any employee for breaking a federal, state, or local law outside work may be grounds for suspension, or dismissal, or other disciplinary action depending on the nature of the conviction as it relates to the position held by the employee. Careful consideration will be given to the effect the conviction has on the reputation and operation of the City and any of its programs.
- B. Violating any federal, state or local law while at work may be grounds for dismissal depending on the severity of the infraction and the overall status of employee performance and past conduct on the job.
- C. Any employee shall immediately report to the Department Director or supervisor any criminal charges, arrests or court actions against them except minor misdemeanor traffic violations. The City shall review the nature of the crime and make a determination of what, if any, action should be taken regarding the employee's status until resolution of the criminal matter.

## **IDENTIFICATION CARDS**

## **Section 5.22**

All regular full-time and regular part-time employees will be issued a City photo identification card. While on duty, this card should be available to be presented to any resident or official of the City, upon their request, for verification purposes. Identification cards should be carried with the employee at all times.

The Human Resources Department should be notified immediately if an employee's ID card has been lost.

Identification cards must be returned to Human Resources at the time of an employee's separation from employment.

## **WORKPLACE HARASSMENT**

## **Section 5.23**

- A. The City has a strict policy against harassment based on race, color, religion/creed, sex, age, national origin, genetic information, military/veteran's status, or physical/mental disability of any of its employees by anyone, including directors, associates, supervisors, other employees, visitors and citizens. Harassment, in general, includes:
  - 1. Sexual harassment: Making unwelcome sexual advances and requests for sexual favors, or creating an intimidating, hostile, or offensive working environment by sexually related conduct or comments. Sexual harassment also includes making sexual conduct of any kind a condition of employment or the rejection of sexual conduct a basis for an employment decision.

2. Other unlawful harassment: Making unwelcome comments and/or creating an intimidating, hostile, or offensive working environment against anyone because of race, color, religion/creed, sex, age, national origin, genetic information, military/veteran's status, physical/mental disability, or any other illegal reason.
  3. Retaliation: Creating an intimidating, hostile, or offensive working environment against an individual for reporting or complaining about harassing conduct.
- B. Employees or supervisors engaging in harassment of any type, or any supervisor failing to take appropriate action upon becoming aware of harassment, will be subjected to possible disciplinary action, up to and including termination.
- C. Any employee who believes that they have been a victim of harassment is encouraged to confront the offending individual and ask them to discontinue the offensive conduct at once. If the conduct continues or if the employee does not feel comfortable in confronting the offending party for any reason, the employee must immediately report the problem. Reports can be made to the employee's immediate supervisor, Department Director, Human Resources Manager or the City Manager. As soon thereafter as is possible, the employee should place their complaint in writing and forward it to one of these individuals. Anyone who believes that they are a victim of harassment is urged to act promptly, because continued tolerance of the offending conduct may be viewed as participation or acquiescence.
- D. Upon a written complaint being filed with the appropriate person, an investigation will occur. If deemed warranted, the accused employee may be placed on suspension pending the outcome of the investigation. Upon conclusion of the investigation, the City will take such action as it deems appropriate under the circumstances, including terminating or otherwise disciplining the accused employee. If termination does not occur, the City will attempt to effect other personnel action designed to resolve any problem that may exist.
- E. Please refer to the City of Beavercreek's administrative policy on Workplace Harassment for a thorough understanding.
- F. Making a knowingly false claim of workplace harassment may subject an employee to discipline, up to and including termination of employment.

#### **DRUG-FREE WORKPLACE/ALCOHOL & SUBSTANCE ABUSE TESTING      Section 5.24**

- A. It is the policy of the City to maintain a safe and productive "drug-free workplace" for its employees in which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance. This drug-free workplace policy shall apply to all employees and also to all applicants for employment.

- B. All prospective employees shall receive a copy of the City's Drug-Free Workplace Policy prior to their employment by the City. As a condition of employment, prospective employees must sign a receipt of this policy as a permanent part of the employee's personnel file. All employees will receive a copy of the City's Drug-Free Workplace Statement, Drug-Free Workplace Policy and Alcohol & Substance Abuse Testing Policy and are required to sign a receipt for those documents which will become a permanent part of their personnel file.
- C. The City reserves the right to order employees to submit to reasonable suspicion substance abuse testing in accordance with the City's Substance Abuse Testing Policy.
- D. The City recognizes alcoholism and drug addiction as a treatable disease. While the City reserves the right to discipline employees for violating the Drug-Free Workplace policy set forth above, the City does encourage employees who suspect that they have an alcohol or drug problem to seek professional treatment assistance. The City of Beavercreek offers an Employee Assistance Program that can assist in the pursuit of treatment. The name and address may be obtained in the Human Resources Department or from the employee's supervisor. Hopefully, such treatment can control these problems before they place the employee's job and other pursuits in jeopardy. Any referrals for treatment will be made by the City's EAP.
- E. Please refer to the City of Beavercreek's administrative policy on Drug Free Workplace and Alcohol & Substance Abuse Testing policy for a thorough understanding and for guidelines.

## **GARNISHMENTS**

## **Section 5.25**

- A. A garnishment is a court-ordered legal claim against the wages of a City employee by a creditor for non-payment of a debt and served by the constituted legal authority, and must be recognized and executed by the City. Repeated garnishments on the wages of an employee may result in disciplinary action.
- B. Child support orders that are court directed will not be seen as garnishments in relation to this section of the manual.
- C. When a garnishment is received for an employee, the City Manager, or his/her designee, will schedule a conference with the employee and his or her supervisor to discuss the garnishment and to direct, if needed, the employee to an appropriate agency to assist the employee in working out his or her financial difficulties.

## **RECORDS RETENTION**

### **Section 5.26**

Certain records must be maintained for a period of time designated by law or regulation. Employees should consult their supervisor and/or Department Director for guidance on the maintenance of business reports. Destroying official records/documents without authorization may be grounds for disciplinary action or discharge.

## **PERSONAL PROPERTY**

### **Section 5.27**

- A. Employees may bring personal property into their offices/departments to augment furniture and fixtures provided by their offices/department, such as lamps, small shelves, tables, etc., so long as said property does not interfere with City operations. Fans, heaters and other small appliances are permitted with the approval of the employee's supervisor. All personal property should be labeled as belonging to the employee and must comply with all safety and health regulations. Failure to label personal property may cause the office/department to include the item or items in its inventory roster.
- B. Employees bringing personal property into the office/department must assume the risk of its theft or destruction, except when the employee is authorized to use personal property as provided for in Section 5.16 of this manual.

## **PERSONAL VISITORS**

### **Section 5.28**

Visits to an employee during working hours that are of a personal nature are discouraged. However, we realize that uninvited personal visitors may occasionally drop in unexpectedly, or a personal visit may be necessary due to unusual circumstances. Employees are to use good judgment in spending time with non-business related visitors. Excessive use of work time to visit with personal friends, relatives, etc. may be grounds for disciplinary action.

## **BUILDING UTILIZATION**

### **Section 5.29**

- A. Buildings are used for implementation of City programs. They shall not be used for any other purpose without the approval the City Manager.
- B. There is an inventory control of all equipment in buildings by locations. If any equipment, large or small, is moved from one location to another in the building for more than a few hours of temporary usage, there must be prior approval of the Department Director or designee.
- C. When leaving one's office at the end of the day, employees should turn out all office lights, computers, fans, heaters, and other electrical appliances, and secure all areas appropriately.



## **NEPOTISM**

### **Section 5.30**

- A. No person may occupy any position in which he or she would directly supervise or otherwise directly influence a decision in favor of, or against, another member of his or her immediate family.
- B. City employees may not use their positions to influence hiring or altering the employment status of an immediate family member.
- C. If two (2) employees who work in the same department marry, and one spouse would assume a supervisory position over the other spouse, the City Manager may reassign one to a different position. In the event that a reassignment or transfer is not feasible, the affected employees will be given the opportunity to select which employee will retain his or her position.
- D. For purposes of this policy, "immediate family member" is defined as the following: children (including step and foster), brothers, sisters, brother-in-law, sister-in-law, son-in-law, daughter-in-law, siblings, spouse, grandparents, grandchildren, aunts, uncles, nephews, nieces, parents, legal guardian or other person who stands in the place of a parent.

## **DISCIPLINARY PRINCIPLES**

### **Section 6.01**

The City of Beavercreek believes that a clearly written discipline policy will serve to minimize potential misunderstandings among employees in disciplinary matters. Furthermore, certain basic principles, set forth below, are applied consistently when possible in order to correct unsatisfactory job behavior. Employees are advised of expected job behavior, the types of conduct that the City Manager has determined to be unacceptable, and the possible penalties for such unacceptable behavior.

## **PROGRESSIVE DISCIPLINE**

### **Section 6.02**

- A. Department supervisors and the City Manager may follow an established system of progressive discipline when correcting employee misconduct.
- B. The City has adopted this discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the rights of the City to take any action deemed appropriate.
- C. This disciplinary policy provides recommended penalties for specific offenses, however, the examples of specific offenses given in any grouping are not all-inclusive, but serve merely as a guide.
- D. The standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances

exist warranting a different penalty than specified here. In those cases where the penalty deviates from the recommended standard penalty, the reasons for such deviation are noted in writing by the supervisor or City Manager who administers the discipline.

## **GROUND FOR DISCIPLINARY ACTION AND PENALTIES**

## **Section 6.03**

The City has certain established guidelines which allow our employees to work in a safe, clean environment and which provides for efficiency in operations. These rules are the same practices we have been following for years and are merely formalized in writing for your information. Abuse of these guidelines will lead to disciplinary action, up to and including immediate discharge. The following lists, which are merely representative of conduct which will result in disciplinary action, are not intended to be all inclusive. It is the responsibility of every employee to know and follow these rules.

A. The following offenses may subject an employee to immediate discharge:

1. Dishonesty in any form including, but not limited to, falsification of City records or reports, punching another employee's time card, concealment or theft of City property or the property of other employees, or removing City property from the City premises without permission to do so.
2. Consuming, possessing, or being under the influences of alcoholic beverages, drugs or narcotics on City premises (including parking lots) or on City time (including breaks and lunches).
3. Insubordination, including the refusal to comply with any work assignment or instructions from your supervisor or any management official, and disobedience of any City rule or regulation after it has been specifically called to the attention of the employee.
4. Belligerent, defiant and abusive or threatening conduct or speech towards any supervisor or other management person or person in authority, members of the public or fellow co-workers.
5. Fighting, shoving, scuffling, throwing objects, or inciting other persons to engage in such actions.
6. Slowing or interfering with production, restricting or contributing to the slow down of other employees.
7. Gambling or bookmaking on City premises.
8. Sleeping during working time.
9. Carrying or possessing weapons during working hours or on City premises.
10. Gross negligence or the deliberate destruction of City property.
11. A penalty of immediate discharge may also be invoked in response to similar type of severe misconduct, where such a penalty is deemed appropriate by the City.

B. Violation of the following offenses will generally subject an employee to progressive discipline. Under certain circumstances, immediate discharge may be appropriate:

1. Excessive tardiness and failure to return as scheduled from lunch and breaks.
2. Excessive absenteeism or failing to report to work as scheduled.
3. Smoking in unauthorized area.
4. Engaging in horseplay or disorderly conduct on City premises, or obscenity during work hours, including practical jokes.
5. Carelessness with or negligent destruction of City property or the property of others.
6. Loafing or loitering during working hours.
7. Quitting early without permission of or notice to one's supervisor except in the case of a bona fide emergency.
8. Incompetence or failure to meet reasonable standards of efficiency.
9. Failure to follow the defined safety practices, jeopardizing the well-being of others, yourself, or City property.
10. Engaging in solicitation in violation of the City's no solicitation rules which prohibit solicitation on work time in work areas.
11. Failure to report immediately to your supervisor any injury or accident in which you were involved on City premises.
12. Posting, removing or altering any documents on City bulletin boards without proper approval.
13. Failure to report immediately to your supervisor any damage sustained on any City equipment, merchandise or other City property.
14. Disclosing confidential City information.
15. Failure to act in accordance with the City's policies, rules, or regulations.

The principles of progressive disciplinary action will be followed with respect to the above noted offenses unless circumstances deem their application inappropriate. The progression, where appropriate, will at least include; counseling, oral reprimand, a written reprimand, and a suspension for the same or related offense prior to dismissal. No prior disciplinary action shall be used against an employee for purposes of progression after two (2) years from the date of the last violation.

See Administrative Policy related to progressive discipline.

#### **ADMINISTRATIVE LEAVE**

#### **Section 6.04**

Any employee may be placed on paid or unpaid non-disciplinary administrative leave by the City Manager, and in such event will be relieved of all responsibilities pending the completion of investigation of alleged improper conduct by the employee or serious misconduct, or in the event criminal charges are filed against an employee pending final adjudication. Such investigation will be undertaken so that the employee may be returned to work or face formal disciplinary charges as soon as possible.

**PROCEDURE FOR IMPOSING DISCIPLINE RESULTING  
IN LOSS OF PAY OR DISCHARGE FROM EMPLOYMENT**

**Section 6.05**

- A. Whenever a City Manager or his/her designee determines that an employee may be disciplined for cause, resulting in a loss of pay or discharge from employment, a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.
- B. Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the City Manager will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee must choose to: 1) appear at the conference to present an oral or written statement in his or her defense; 2) appear at the conference and have a chosen representative present an oral or written statement in defense of the employee; or, 3) elect in writing to waive the opportunity to have a pre-disciplinary conference.
- C. Pre-disciplinary conferences are held by a hearing officer, who is a neutral department supervisor from those supervisors not directly in the chain of command of the employee, or an outside agency selected by the City Manager or his/her designee.
- D. At the Pre-disciplinary conference, the hearing officer will ask the employee or his or her representative to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action.
- E. At the conference, the employee may present oral written information which explains whether or not the alleged conduct occurred. The employee may be represented by any person he or she chooses, whether such individual is an employee or not. Without City Manager approval, no conference will be delayed more than twenty-four (24) hours to enable an employee's representative to attend. Neither the employee nor his or her representative will be permitted to present or cross-examine witnesses.
- F. A written report will be prepared by the hearing officer conducting whether or not the alleged conduct occurred, and recommending to the City Manager what discipline, if any, is appropriate. The City Manager will review all testimony and materials and make the final decision. A copy of the City Manager's report will be provided to the employee within five (5) working days following the hearing. Personnel action can be appealed or grieved.

**INTERNAL APPEAL PROCESS – DISCIPLINE & SUSPENSIONS  
OF LESS THAN THREE (3) DAYS**

**Section 6.06**

- A. Employees not covered by collective bargaining agreements may appeal disciplinary actions and suspensions of less than three (3) days by utilization of the internal appeal procedure below.
  - 1. Written appeals to the City Manager must be received within five (5) working days from the date an employee receives a disciplinary decision.
  - 2. Within five (5) working days from the date an appeal is received, the City Manager will schedule a meeting with the affected employee. Upon conclusion of the meeting, the City Manager will provide a written decision within ten (10) working days.
- B. The City Manager's decision will be final.

**APPEALS TO PERSONNEL BOARD OF DISCHARGES, DEMOTIONS,  
LAYOFFS & SUSPENSIONS OF THREE OR MORE DAYS**

**Section 6.07**

- A. Employees not covered by collective bargaining agreements may appeal discharges, demotions, layoffs and suspensions of three days or more may appeal to the Personnel Board. A written appeal to the Personnel Board through the Human Resources Manager, must be filed within five (5) working days of the employee's receipt of the City Manager's decision. Appeals from layoffs must be made within ten (10) working days after the receipt of this notice or the date of displacement.
- B. The Personnel Board maintains authority to decide whether an appeal warrants a hearing. If the Personnel Board decides to hold a hearing, it will be conducted in accordance with the rules and procedures of the Personnel Board, a copy of which will be made available to the employee.
- C. After an appeal is heard, the Personnel Board may affirm, disaffirm, or modify personnel decisions made by the City Manager. The decision of the Personnel Board shall be final.

**GRIEVANCES**

**Section 6.08**

It is the policy of the City to ensure that employees' questions, grievances and complaints arising from misunderstands and the application of policies, procedures and work rules are to be promptly heard, answered and action taken appropriate to the particular situation. All employees, including probationary employees, have the right to file grievances or complaints without prejudice. No employee will be disciplined, harassed or dealt with in any unfair manner as a result of filing a grievance or testifying in a grievance hearing.

A. "Grievance."

A grievance is defined as a disagreement between an employee and the interpretation or application of official City policies and procedures or Departmental rules and regulations.

B. Election of Remedy.

Nothing in this policy is intended to prevent employees from initiating proceedings in other forums having proper jurisdiction to address violations of law. For example, employees may pursue actions before the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, once an employee elects as his or her remedy the provisions or procedures of any of the above named commissioners or courts, the employee has waived the remedy of the Grievance Procedure provided herein.

C. Steps of Grievance Procedure.

Informal Step: The aggrieved employee or employees will make an earnest and honest effort to settle the difference and disputes with their immediate supervisor without filing a written grievance. In the event an agreement cannot be reached, subsequent steps shall be taken with respect to any grievance in accordance with the procedure described below.

Step 1: Immediate Supervisor

An employee having a grievance must file a written grievance with his or her immediate supervisor, as outlined in the schematic procedures for his or her work unit. In order for the grievance to be recognized, it must be filed within five (5) working days from the date employee is made aware of the incident-giving rise to an alleged grievance. The immediate supervisor investigates the grievance and provides a proposed solution or explanation on the grievance within five (5) working days following the date on which the grievance was submitted.

Step 2: Department Director

If the employee is not satisfied with the response received from Step 1, the individual may pursue the matter by presenting the original copy of the grievance to the proper Department Director within five (5) working days of receipt of the Step 1 answer. The Department Director may then schedule a meeting within five (5) working days of receipt. The employee may be accompanied at the meeting by a representative of his or her choosing, but if any employee representative is chosen, the aggrieved must notify that employee's Department Director in advance of the hearing so that the employee representative may be relieved from duty to attend the hearing. The Department Director, after review and investigation of all actions relative to the grievance, issues his or her

decision on the grievance form, within five (5) working days following the meeting.

### Step 3: City Manager

If the employee is not satisfied with the Step 2 response, the individual may submit the original grievance to the City Manager within five (5) working days of the receipt of the Step 2 answer. The City Manager reviews the grievance and all responses within ten (10) working days following the day he/she received the grievance. If the City Manager determines that responses were adequate and proper, he/she will so inform the employee by letter. If the City Manager determines the responses to be inadequate or improper, or that sufficient evidence does not appear on its fact to warrant a response, he may take such action as is determined to resolve the matter, and in addition may exercise the following options:

1. Conduct a hearing with all parties involved in attendance and available for questioning within ten (10) working days of receipt of the grievance.
2. Appoint, within ten (10) working days of receipt of the grievance, a fact finder or fact finding panel to hear, investigate and produce findings of fact relative to the grievance. The hearing shall be held within ten (10) working days of appointment of the fact finder or fact-finding panel. The fact finder or fact finding panel shall issue a written report of findings of fact within fifteen (15) working days from the date of hearing to the City Manager.

### D. Settlement

Potential settlement of grievances is to be pursued at the earliest possible step of the procedure. The employee nevertheless must proceed through all steps of the grievance procedure in proper order and within the prescribed time limits, except as otherwise noted.

### E. Group Grievances

Where a group of employees desires to file a grievance involving a situation affecting each employee in the same manner, one employee selected by such group will process the grievance on behalf of all of the grieving employees. All employees who wish to participate in the group grievance must sign the original grievance.

### F. Exceptions to Procedure

Where a grievance cites issues of law which the individual hearing the grievance is unable to address, the individual may forward the grievance to the City Manager for reference to the Law Director for an opinion before proceeding. All time limits set forth in this procedure are held in abeyance until a response from the Law Director is received.

Grievances are to be filed at Step 1, unless the occurrence that gave rise to the grievance originated at the Department Director's level (Step 2) or the City Manager's level (Step 3). If the occurrence that gave rise to the grievance originated at Step 2 or Step 3, the grievant may initiate the grievance at that step if the parties agree.

#### G. Waiver of Time Limits

Time limits set forth in the procedure may be extended by mutual agreement of the parties in writing.

#### H. Forms

All grievances filed under this Departmental procedure must be in writing.

#### I. Health and Safety Grievances or Complaints

In the case of grievances relating to issues of health and/or safety, the participants to the grievance procedure are to use all reasonable efforts to move through the procedure expeditiously.

#### J. Final Decision

The City Manager's decision shall be final and binding on the parties.

### **RESIGNATION**

### **Section 7.01**

- A. Employees who plan to voluntarily resign should notify their immediate supervisor, in writing, at least ten (10) working days in advance of the effective date of termination.
- B. Any employee who resigns is encouraged to give his/her reasons for resigning and discuss with his/her supervisor any working conditions which he/she feels to be unsatisfactory.
- C. A formal letter of resignation is required by the City Manager. Resignations may not be revoked without permission. A copy of the letter of resignation shall be forwarded to the Human Resources department.
- D. Failure to give proper notification shall result in ineligibility for reinstatement.
- E. A person who resigned in good standing may be reinstated, at the discretion of the City Manager, in his or her former type of position within one year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the best interests of the City.



## **LAYOFF AND RECALL**

## **Section 7.02**

- A. If it becomes necessary to reduce staffing levels, the City Manager may lay off employees by using the procedure below. Layoffs may occur when one of the following reasons can be demonstrated:
  - 1. Lack of work
  - 2. Lack of funds
  - 3. Abolishment of job
- B. The Department/Division Supervisor concerned will prepare and process through the Human Resources Department, for the City Manager's approval, a list of those employees to be laid off based upon the criteria identified below.
- C. Consideration will be given to transferring employees to a vacant position in another department/division rather than laying them off. However, if the employee is not qualified to hold another position, Department/Division supervisors will make their recommendations for layoff to the City Manager based on the following criteria:
  - 1. Job Classification, job duties and responsibilities
  - 2. Length of Service
- D. If laid off, employees will receive notification of their rights and the procedure for recall.

## **DISABILITY SEPARATION**

## **Section 7.03**

An employee who becomes physically unable to perform the essential functions of his or her position even with a reasonable accommodation may seek a Disability Separation. The conditions under which Disability Separation may be granted, and procedures for administering its use, are available through the Ohio Public Employees Retirement System (OPERS).

## **RE-EMPLOYMENT**

## **Section 7.04**

- A. An employee who has resigned from the City service and is subsequently re-employed will not be credited with prior City service for the purpose of computing longevity, sick leave benefits, or other benefits that may be in effect, unless specifically approved by the City Manager.
- B. Any employee who resigns while disciplinary action is pending is not eligible for re-employment

## **RETIREMENT**

### **Section 7.05**

- A. Most employees are eligible to retire with PERS benefits, provided they meet the requirements of the PERS system. Other employees are included in the Police and Fire Disability and Pension Fund. Information on these retirement systems may be obtained in the Human Resources department.
- B. Employees are requested to notify the City Manager in writing at least sixty (60) days prior to the effective date of their anticipated retirement.

## **EXIT INTERVIEW**

### **Section 7.06**

- A. Upon resignation, or otherwise voluntarily terminated employment, any full time and permanent part time employee may be required to complete an exit interview questionnaire, and may meet with the Human Resources Department personally to discuss the questionnaire.
- B. The exit interview is an opportunity for the employee to offer constructive criticism and insights to the Human Resources Department regarding the operation of the various office/departments. The exit interview will be documented and submitted to the City Manager and made available to the Department Directors for informational purposes.
- C. All City owned equipment, keys, fobs, uniforms, computer files and stored media, and identification cards shall be returned to Human Resources and/or employee's supervisor. Human Resources will, by copy of the Change of Status, instruct Finance and Information Technology divisions to remove the employee from the various systems.

Left blank intentionally

CITY OF BEAVERCREEK PERSONNEL POLICY MANUAL  
EMPLOYEE ACKNOWLEDGEMENT FORM

I acknowledge having received a copy of the City of Beavercreek's Employee Manual and I have been advised that it is in my best interest to read and become familiar with its contents. This Manual is not an express or implied contract of employment, and it does not create any rights in the nature of an employment contract. Rather, this Manual is an overview of personnel policies related to my employment. Just as the City's employees have the right to leave the City's employ at any time and for any reason, so too, the City reserves its right to alter the terms of employment and to terminate any employee at any time and for any lawful reason. Further, I have been advised that all the policies, rules and regulations in the Manual may be changed from time to time without my prior knowledge or consent.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature